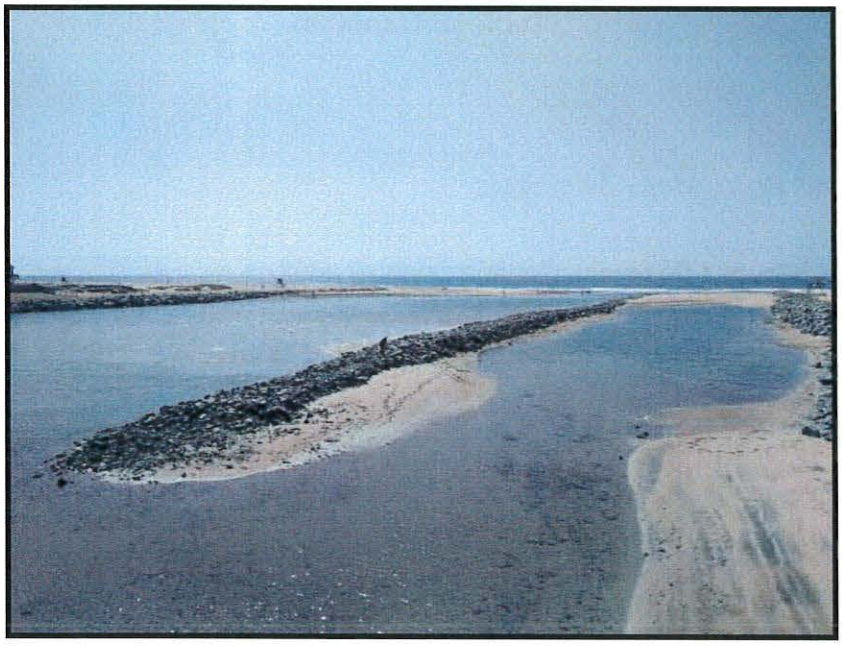
Attachment 4

OC Public Works Ocean Outlets Maintenance Manual, revised February 2018



Orange County Public Works

Ocean Outlets Maintenance Manual

Revised February 2018

Table of Contents

APPENDICES

OC Public Works
Ocean Outlets Maintenance Manual

1.0 INTRODUCTION

This manual provides requirements and guidance for maintenance of five flood control channel ocean outlets owned by Orange County (OC) Public Works. The locations of the five ocean outlets (Segunda Deshecha, Estrella, Salt Creek, Santa Ana River and Talbert) are shown in the map below. Other ocean outlets in Orange County are maintained by OC Parks or other entities and are not included in this manual. This manual revision incorporates the removal of one of the outlets previously included in the OCPW maintenance program (North Creek – Doheny State Beach) and increased sand removal volumes and placement areas.

Locations of OCPW Ocean Outlets

Maintenance activities generally consist of removing sand deposits at the ocean outlets, distributing the sand on the adjacent beach above the high tide line, and restoring/repairing outlet structures as needed. Maintenance of ocean outlets serves several purposes including flood control, water quality, beach access, and maintaining tidal flushing capability for wetland habitats. The volume of sand impeding or preventing drainage at each outlet varies with wave swell direction and intensity, tidal patterns, beach width, storm flow volumes, and time of year.

The channel outlet flow paths need to be re-established if flow becomes blocked by sediment or when the flow meanders across the beach and restricts recreational beach use or affects private property. There are also safety concerns since lifeguard towers are at times positioned between

the ocean and a meandered outlet across the beach, and children often play in ocean outlets that meander across the beach out of the view of the lifeguards.

With the exception of the Santa Ana River outlet, the ocean outlets are generally maintained semi-annually: once before the storm season (late summer/fall) and once before the summer beach recreation season (early spring). The SAR outlet may require maintenance more frequently (up to five times per year). Unless an emergency situation arises, maintenance activities shall be avoided during the "peak use" beach season, defined as the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year. Additionally, special biological monitoring and notifications are required, as defined in the regulatory permits (Appendix A), for maintenance activity during the grunion and bird nesting period, generally from March 1st to September 30th.

This manual and the attached regulatory permits are for placing the excavated outlet sediment on the beach area in the vicinity of the outlet. However, if other entities have the appropriate permits to be able to opportunistically place the excavated sand in different beach locations, then OCPW will coordinate with the entity to allow them to pick up the sand at the outlet location and transport to their sand placement site. The regulatory approvals, permits, cost and logistics of sand placement and transport is entirely the responsibility of the other entity.

This manual describes the maintenance activities to be performed, frequency, procedures to notify regulatory agencies, and protocols for monitoring water quality and biological resources before and during maintenance activities.

2.0 CEQA AND REGULATORY APPROVALS

A CEQA Mitigated Negative Declaration (MND) was completed and approved in 2011 for the ocean outlets maintenance program. A CEQA MND Addendum has been prepared for the current changes to the maintenance program.

Regulatory approvals are required from:

- U.S. Army Corps of Engineers (Section 404 Permit under the Federal Clean Water Act). As part of the USACE approval process, the U.S. Fish and Wildlife Service (USFWS) prepared a Section 7 Information Consultation letter of concurrence.
- State Water Resources Control Board (Section 401 Water Quality Certification under the Federal Clean Water Act)
- California Coastal Commission (Coastal Development Permit under the California Coastal Act).

These regulatory permits are included in Appendix A of this manual. These will be updated/replaced as renewed agency approvals are received.

The California Department of Fish and Wildlife (CDFW) is not claiming jurisdiction over this OCPW ocean outlet maintenance program per CDFW letter dated September 7, 2010, signed by Stephen M. Juares, Environmental Program Manager of CDFW.

3.0 FACILITIES

This section provides a description of the maintenance actions, inspection and any special requirements for each of the five OCPW ocean outlets.

3.1 Segunda Deshecha Cañada Channel (M02)

The Segunda Deshecha Cañada Channel is an urbanized channel that flows through the City of San Clemente. The channel outlet is shown in Photo 1. The outlet is a reinforced concrete rectangular box approximately 25 feet wide. Periodically, beach sand blocks the outlet.

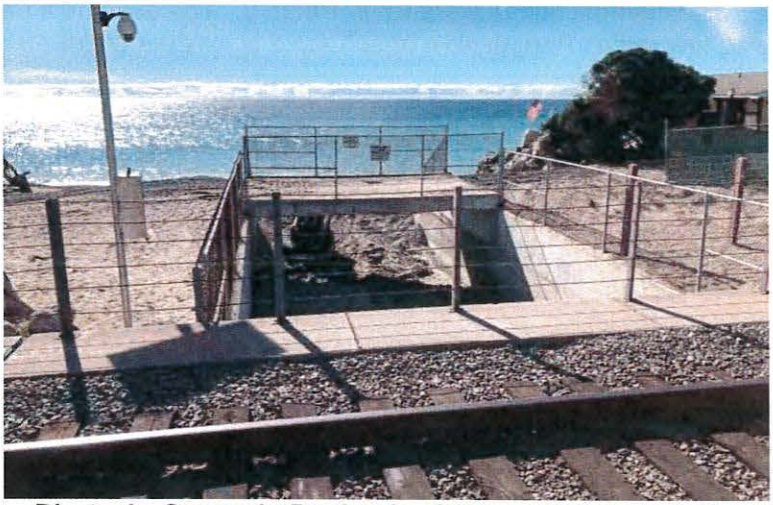


Photo 1 - Segunda Deshecha Cañada Channel Outlet

Maintenance Actions:
Maintenance activities are needed to remove excessive sediment buildup at the outlet in order to provide an increased level of flood protection for the upstream community and to prevent the flow from meandering onto the recreational beach area. The outlet's excavation footprint is shown in Figure 1. Excavated sand is deposited on the adjacent beach above the high tide line; Figure 1 shows a representative sand discharge footprint for a single maintenance event, as well as a larger envelope to allow for discharge location changes based on beach conditions at the time of maintenance action. Rock slope protection will be repaired as necessary, i.e. rock which has fallen out of section will be placed back on the slope. Maintenance work is accomplished using a bulldozer, excavator, backhoe, dump truck, and/or other equipment as needed.

Inspection:
Site inspection will determine when maintenance is needed. In the fall, the outlet is to be inspected to determine if outlet sand removal is required to meet flood control needs. In the spring, the channel will be inspected to determine if the flow discharge has meandered outside of its direct path between the concrete box and the ocean. If the channel on the beach has meandered, the direct path between the concrete box and the ocean will be reestablished to prepare the beach for public recreation.

Maintenance Frequency:
The outlet is expected to be maintained twice each year: in the fall before the rainy season and again in the spring after the rainy season but before the summer beach recreation season. Additional as-needed maintenance may need to be performed at other times of the year.

Biological Resources Protection and Monitoring Requirements
Refer to Section 4 of this manual for grunion monitoring requirements.

3.2 Estrella Storm Channel (M00S01)

The Estrella Storm Channel is an urbanized channel that flows through the Cities of Dana Point and San Clemente. The channel outlet is shown in Photo 2. The outlet is a reinforced concrete box approximately 10 feet wide. Periodically, beach sand blocks the outlet.

Photo 2 – Estrella Storm Channel Outlet

Maintenance Actions:
Maintenance activities are needed to remove excessive sediment buildup at the outlet in order to provide an increased level of flood protection for the upstream community and to prevent the flow from meandering onto the recreational beach area. The outlet's excavation footprint is shown in Figure 2. Excavated sand is deposited on the adjacent beach above the high tide line; Figure 2 shows a representative sand discharge footprint for a single maintenance event, as well as a larger envelope to allow for discharge location changes based on beach conditions at the time of maintenance action, e.g. either upcoast or downcoast of the outlet. The storm drain flap gate will be repaired/replaced as necessary. Maintenance work is accomplished using a bulldozer, excavator, backhoe, dump truck, and/or other equipment as needed.

Inspection:
Site inspection will determine when maintenance is needed. In the fall, the outlet is to be inspected to determine if outlet sand removal and/or storm drain flap gate repair/replacement is required to meet flood control needs. In the spring, the channel will be inspected to determine if

the flow discharge has meandered outside of its direct path between the concrete box and the ocean. If the channel on the beach has meandered, the direct path between the concrete box and the ocean will be reestablished to prepare the beach for public recreation.

Maintenance Frequency:
The outlet is expected to be maintained twice each year: in the fall before the rainy season and again in the spring after the rainy season but before the summer beach recreation season. Additional as-needed maintenance may need to be performed at other times of the year.

Biological Resources Protection and Monitoring Requirements
Refer to Section 4 of this manual for grunion monitoring requirements.

3.3 Salt Creek Channel (K01)

The Salt Creek Channel is an urbanized channel that flows through the City of Dana Point. The outlet is shown in Photo 3. The outlet is a reinforced concrete box approximately 12 feet tall and 14 feet wide with a large concrete apron and rock riprap armoring. When high tides, strong waves, and/or high stormwater discharges combine, the protective rock below the concrete apron can be moved or washed away, exposing the apron cutoff wall to structural damage.

Photo 3 – Salt Creek Channel Outlet

Maintenance Actions:
Maintenance activities are needed to repair the rock apron protection and to remove excessive sediment buildup at the outlet in order to provide an increased level of flood protection for the upstream community and to prevent the flow from meandering onto the recreational beach area. The outlet's rock repair and excavation footprint is shown in Figure 3. Excavated sand is deposited on the adjacent beach mean high water line (and above the high tide line if possible); Figure 3 shows a representative sand discharge footprint for a single event, as well as a larger envelope to allow for discharge location changes based on beach conditions at the ...... of maintenance action. Any displaced rock will be retrieved and placed back onto the rock

protection structure at the end of the concrete apron or rock will be replaced in kind. Maintenance work will be accomplished using a bulldozer, excavator, backhoe, dump truck, and/or other equipment as needed.

It should be noted that the Monarch Beach Resort, to the north of the outlet site, has regulatory approval to grade the beach area to direct the outlet flow straight out into the ocean if the outlet flow path meanders to the north near the Monarch Beach Resort fire road. OCPW staff can coordinate, as necessary, with the Monarch Beach Resort contact for this activity, Leeanne McDougall at 949-553-0666.

Inspection:
In the fall, the outlet structure will be examined for both damage to the rock protection fronting the concrete apron and for the presence of any scour at the end of the outlet structure. In the spring, the channel will be inspected to determine if the stream course has meandered outside of its direct path between the concrete box and the ocean. If the discharge path on the sandy beach has meandered, OCPW will notify the Monarch Beach Resort for their maintenance action as appropriate.

Maintenance Frequency:
The outlet is expected to be maintained twice each year: in the fall before the rainy season and again in the spring after the rainy season but before the busy summer beach recreation season. Additional as-needed maintenance may need to be performed at other times of the year.

Biological Resources Protection and Monitoring Requirements
The Salt Creek outlet vicinity is used by western snowy plovers, a species of bird protected as a threatened species by the federal Endangered Species Act for only the Pacific coast population. Foraging areas for western snowy plovers will be identified in the field by proper signage. Additional best management practices to be implemented at this site to protect snowy plovers are provided in Appendix B.

Refer to Section 4 of this manual for grunion monitoring requirements.

3.4 Santa Ana River (E01)

The Santa Ana River (SAR) is located on the boundary between the cities of Huntington Beach and Newport Beach. The ocean outlet downstream of Pacific Coast Highway (PCH) Bridge includes three rock jetties, as can be seen in Photo 4. The SAR is the largest flood control channel in Orange County. The ocean outlet is approximately 450 feet wide. The SAR outlet is immediately adjacent to a Least Tern Natural Preserve (owned and operated by California State Parks) and just downstream of the Santa Ana River Salt Marsh (owned and operated by the U.S. Army Corps of Engineers). Sand blockage at the outlet can impede flood discharges, as well as reduce tidal exchange with the SAR Salt Marsh and thus can negatively affect the salt marsh habitat.

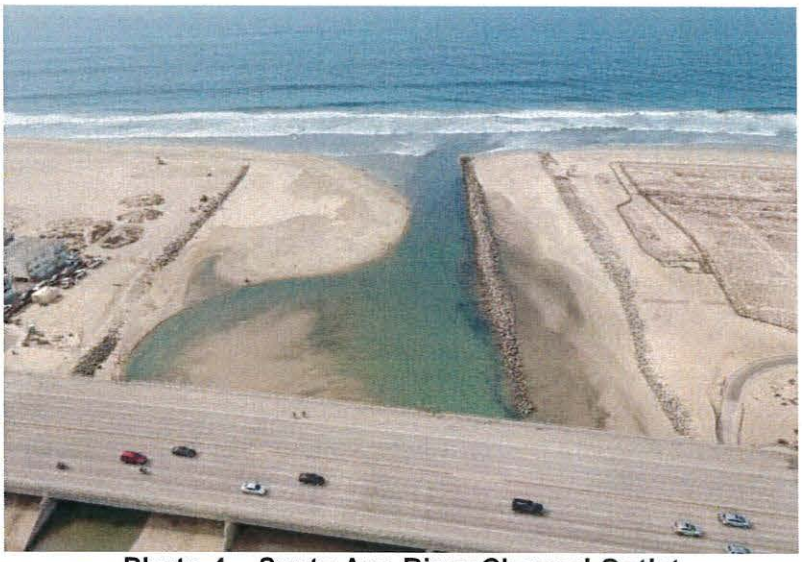


Photo 4 – Santa Ana River Channel Outlet

The Lower SAR was re-constructed by the U.S. Army Corps of Engineers (USACE) in the 1990s and it is now maintained by OC Public Works; (the legal entity is Orange County Flood Control District but that name can be used interchangeably with OC Public Works). The USACE requires OC Public Works to follow the *Operations, Maintenance, Repair, Replacement and Rehabilitation Manual for the Lower Santa Ana River* (USACE 1996), which prescribes maintenance of the channel, including the ocean outlet. The USACE manual (USACE 1996) sets limits of sediment accumulation between the river mouth and several miles upstream of the river mouth. This Ocean Outlets Maintenance Manual does not address any sediment removal upstream of PCH. Sediment removal upstream of PCH requires separate regulatory permits.

Maintenance Actions:

The maintenance activities consist of removing sand accumulating at the mouth of the river channel to maintain channel hydraulic capacity. The outlet's excavation footprints, within the outlet's jetty structures, are shown in Figure 4. Excavation should commence at the landward edge of the outlet and progress towards the ocean. Final excavation at the seaward edge of the outlet should commence at high tide and sediment removed down the seaward slope as the tide ebbs. This approach allows for natural scour of the outlet.

Excavated sand is deposited on the adjacent beach areas above the high tide line; Figure 4 shows a representative sand discharge footprint for a single maintenance event, as well as a larger envelope to allow for discharge location changes (upcoast or downcoast of the SAR) based on excavation volume and beach conditions at the time of maintenance action, e.g. shore protection (beach nourishment) needs and dominant wave direction (time of year). The potential sand placement area extends south/east from the SAR outlet past the Newport Pier to the Newport Harbor entrance and to the north/west to provide shoreline protection for the least tern preserve. The specific sand placement location (within the envelope shown in Figure 4) for a given maintenance event will be up to OCPW, in coordination with the City of Newport Beach and/or California State Parks.

Rock jetties will be repaired as necessary, i.e. rock which has fallen out of section will be placed back on the jetty structures.

Work will be accomplished using bulldozers, excavators, front loaders, dump trucks, and/or other equipment as needed.

Inspection:
The ocean outlet will be inspected regularly throughout the year to determine if excessive sand is present and impeding channel flow. If excessive sand is present and impeding channel flow, then OC Public Works will recommend removal of sand to the extent necessary to re-establish and facilitate flow.

Maintenance Frequency:
Maintenance of the Santa Ana River outlet will be conducted on an as-needed basis up to five (5) maintenance events per year.

Biological Resources Protection and Monitoring Requirements
A Least Tern Natural Preserve is adjacent to the SAR outlet and provides fenced protection to the California least tern, a federal and state listed as endangered, and western snowy plovers, a species of bird protected as a threatened species by the federal Endangered Species Act for only the Pacific coast population. There is also a snowy plover roosting area at the south/west end of the potential fill area, along Balboa Beach. Accordingly, a qualified biological monitor will be provided by OC Public Works during both excavation in the SAR channel and any sand discharge adjacent to the least tern preserve and near the plover roosting area. The monitor will observe the maintenance operations to ensure that protected wildlife is not threatened or disturbed and, in general, will observe the behavior of California least terns and western snowy plovers if present during the sediment removal operations. The monitor will note whether either species exhibits nesting behavior within 500 feet of heavy equipment and will immediately notify the USFWS if so (refer to Special Condition 3 of the USACE permit and Conservation Measures 2, 3, and 4 of the project's Informal Section 7 Consultation/letter of concurrence from the USFWS, issued 10/16/2012). Foraging areas for snowy plovers will be identified in the field by proper signage. Additional best management practices to be implemented to protect snowy plovers are provided in Appendix B.

The onsite biological monitor will provide education opportunities about the operations and the species protection measures if engaged by the public. From spring to mid-summer, volunteer docents monitor least tern nests within the Least Tern Natural Preserve daily on behalf of the local Sea and Sage Audubon Society; it is recommended that the biological monitor share observations and sightings with the on-site volunteer(s) as necessary to adequately ensure protection of least terns and snowy plovers that may be in the vicinity.

Upon the completion of each maintenance activity, the monitor will submit a final report documenting the length of time of the maintenance activities, the general nature of the activities, the number and location of least terns and/or snowy plovers that were present within the monitoring area, and any observed maintenance-related effects on the birds; this report will be forwarded to USFWS with the annual report.

Refer to Section 4 of this manual for grunion monitoring requirements.

3.5 Talbert Channel (D02)

The Talbert Channel Outlet is located in the city of Huntington Beach. The Talbert Channel outlet (Photo 5) is an earthen-bottom trapezoidal channel with rock levees extending downstream of Pacific Coast Highway. The ocean outlet is approximately 150 feet wide. The maintenance activities proposed at the Talbert Channel Outlet benefit flood control, water quality, environmental/wetland restoration, and recreational use. The Talbert Marsh, a component of the Huntington Beach Wetlands, is located immediately upstream of Pacific Coast Highway and drains directly into the outlet facility. The maintenance of this outlet is necessary to maintain tidal exchange with the Talbert Marsh, as well as maintain hydraulic capacity for flood control of the Huntington Beach and Fountain Valley areas through the D01 and D02 facilities.

Photo 5 - Talbert Channel Outlet

Maintenance Actions:
Maintenance activities for this facility consist of removing sediment that blocks tidal flow in and out of the Huntington Beach Wetlands and Talbert Marsh. The outlet's excavation footprint is shown in Figure 5.

To ensure tidal exchange to/from Talbert Marsh and to ensure suitable habitat for endangered least terns in the Least Tern Natural Preserve located between the Talbert Channel and the SAR, the outlet must be opened within seven days of any observed blockages. If the outlet is observed in a blocked condition and tidal flow has been prohibited for five consecutive days, OC Public Works will schedule equipment and staff to mobilize on the eighth day. On the eighth day, maintenance equipment and staff will be mobilized and the outlet will be opened. Maintenance must be performed in such a way to minimize the amount of sediment flowing back up into upstream wetland habitat. Excavation should commence at the landward edge of the outlet and progress towards the ocean. Final excavation at the seaward edge of the outlet should commence at high tide and sediment removed down the seaward slope as the tide ebbs. This approach allows for natural scour of the outlet. All sediment removed from the outlet will be placed on the adjacent beach above the extreme high tide line. Figure 5 shows a representative sand discharge footprint for a single maintenance event, as well as a larger envelope to allow for discharge location changes based on beach conditions at the time of maintenance action.

Work will be accomplished using bulldozers, excavators, front loaders, backhoes, dump trucks, and/or other equipment as needed.

Inspection:
The ocean outlet will be inspected regularly throughout the year to determine if excessive sand is present and impeding channel flow. If excessive sand is present and impeding channel flow, then OC Public Works will recommend removal of sand to the extent necessary to re-establish and facilitate flow.

Maintenance Frequency:
Maintenance may occur in the fall, in the spring/summer, or as-needed when the outlet becomes blocked by sand shoals. Maintenance in the fall will be performed based on the need to remove accumulated sediment in the outlet in order to maintain hydraulic capacity and prevent the brackish wetlands from stagnating. Likewise, maintenance in the spring/summer will remove sand shoals that block tidal exchange in the outlet channel.

Biological Resources Protection and Monitoring Requirements
A Least Tern Natural Preserve is adjacent to the SAR outlet and provides fenced protection to the California least tern, a federal and state listed as endangered, and western snowy plovers, a species of bird protected as a threatened species by the federal Endangered Species Act for only the Pacific coast population. Accordingly, a qualified biological monitor will be provided by OC Public Works during maintenance activities. The monitor will observe the maintenance operations to ensure that protected wildlife is not threatened or disturbed and, in general, will observe the behavior of California least terns and western snowy plovers if present during the sediment removal operations. This will include monitoring both excavation in the Talbert Channel and any sand discharge adjacent to the least tern preserve. The monitor will note whether either species exhibits nesting behavior within 500 feet of heavy equipment and will immediately notify the USFWS if so (refer to Special Condition 3 of the USACE permit and Conservation Measures 2, 3, and 4 of the project's Informal Section 7 Consultation/letter of concurrence [FWS-OR-12B0178-12I0599] from the USFWS, issued 10/16/2012). Foraging areas for western snowy plovers will be identified in the field by proper signage. Additional best management practices to be implemented at this site to protect snowy plovers are provided in Appendix B.

The onsite biological monitor will provide education opportunities about the operations and the species protection measures if engaged by the public. From spring to mid-summer, volunteer docents monitor least tern nests within the Least Tern Natural Preserve daily on behalf of the local Sea and Sage Audubon Society; it is recommended that the biological monitor share observations and sightings with the on-site volunteer(s) as necessary to adequately ensure protection of least terns and snowy plovers that may be in the vicinity.

Upon the completion of each maintenance activity, the monitor will submit a final report documenting the length of time of the maintenance activities, the general nature of the activities, the number and location of least terns and/or snowy plovers that were present within the monitoring area, and any observed maintenance-related effects on the birds; this report will be forwarded to USFWS with the annual report.

Refer to Section 4 of this manual for grunion monitoring requirements.

4.0 GRUNION PROTECTION

The Chambers Group, Inc. prepared grunion protection measures for the OC Public Works Ocean Outlet Maintenance Manual, in consultation with Dr. Karen Martin of Pepperdine University (Chambers Group, Inc. 2006). These measures are outlined below and will be implemented at all the ocean outlets referenced in this manual. (The complete manual is included herein as Appendix C).

The following grunion protection measures apply when maintenance activities are performed at ocean outlets between the months of February and September, which is considered grunion spawning season. These measures are time-sensitive and require coordination with grunion monitors in order to be effective.

1. Obtain seasonally-predicted grunion run schedule from the California Department of Fish and Wildlife website.
2. Obtain California Department of Fish and Wildlife and Coastal Commission Executive Director approval, as defined in the Coastal Development Permit conditions.
3. Trained personnel (i.e., biological monitor) will assess the potential of the beach to support grunion spawning at each outlet to be maintained. Grunion monitoring will be required only at sites that have been identified as those supporting grunion spawning.
4. If maintenance needs to be performed during the spawning season at an outlet that may support spawning, the predicted grunion run prior to (or during) the maintenance work will be monitored. The predicted grunion run will be monitored for three nights: the night after the full or new moon phase and the two following nights. The monitoring would occur from the time of the high tide for two hours following the tide or until the grunion stop running if they are still running two hours after the high tide.
5. If grunion are observed to run in the vicinity of an outlet, the area where they ran will be marked physically and/or by Global Positioning System (GPS) locations. The density of the grunion throughout the area will be noted.
6. Maintenance workers will avoid the spawning area during all work activities.
7. If spawning occurred within portions of a maintenance area, work in those areas will be avoided or rescheduled until the area is clear of grunion eggs. This may occur during the window in between two grunion runs, i.e., the two or three days before every full or new moon or when it has been otherwise determined that the eggs from the run have washed out to hatch.

By following these procedures, ocean outlet maintenance activities can be performed without impacts to grunion.

5.0 WATER QUALITY MONITORING

Water quality monitoring will be conducted to determine if maintenance at any outlet has a detrimental effect on the water quality in the outlet and ocean. Water quality monitoring will be conducted by OCPW Environmental Resources per the *Water Quality Monitoring Plan for Ocean Outlet Maintenance* (P&D Consultants 2003) attached herein as Appendix D.

During the week prior to the maintenance activity, samples will be taken on three consecutive days. During the week following the maintenance activity, samples will be collected on three consecutive days in approximately the same location as the pre-maintenance samples. Samples should generally be collected at the same time each day. Samples should be taken in the morning when bacterial levels are highest.

Three samples will be collected on each sample day. One sample will be collected in the channel upstream from the ocean outlet, one sample will be collected approximately 25 yards upcoast of the outlet and one sample will be collected approximately 25 yards downcoast of the outlet. Samples should be collected at approximately 1 foot below the surface of the water with a clean collection device and transferred to an appropriately labeled sample bottle. If the water is not deep enough to allow this depth, then the sample should be collected at the vertical midpoint of the flow without disturbing the sand bottom. Sampling supplies and equipment must be kept out of direct sunlight or areas with falling/dripping moisture (e.g., rain) where sample integrity could become compromised. Sample storage and transport methods are described in detail in the *Water Quality Monitoring Plan* (P&D Consultants 2003).

Sample test requirements are shown in Table 1. Comparison of the pre-maintenance and post-maintenance geo-mean test results will be performed to determine if the maintenance activity had an adverse effect on water quality. In the event of an emergency need to breach an outlet, water quality samples will be collected prior to start of work. Results of the testing will be included in the required annual report.

Table 1: Water Sampling and Analysis Summary

Sample Location	Parameter	Analytical Method	Minimum Sample Volume	Sample Type	Minimum Analysis Frequency	Sample Preservation	Maximum Holding Time
Outlet Discharge	Total Suspended Solids (TSS)	SM2540(d)	200 mL	Grab	3 days prior to and following the maintenance activity	Store at 4°C	7 days
	Turbidity	SM2130(b)	100 mL	Grab	3 days prior to and following the maintenance activity	Store at 4°C	24 hours
Up- and Down-Coast from Receiving Waters	Total Coliform	SM9222(b)	100 mL	Grab	3 days prior to and following the maintenance activity	Store at 4°C	6 hours
	Fecal Coliform	SM9222(d)	100 mL	Grab	3 days prior to and following the maintenance activity	Store at 4°C	6 hours
	Enterococcus	SM9230(c)	100 mL	Grab	3 days prior to and following the maintenance activity	Store at 4°C	6 hours

°C = degrees Celsius, mL = milliliters, SM = Standard Method (refer to Rice et al. 2017)

6.0 BEST MANAGEMENT PRACTICES

OC Public Works will comply with all applicable construction Best Management Practices (BMPs) during the course of the maintenance activities, including specific BMPs listed as conditions in the regulatory agency permits (Appendix A).

Project scheduling plays an important role. Maintenance should be scheduled such that a biological monitoring of the work site is conducted as necessary, pre-construction water quality samples are collected, and appropriate notification packages are sent to the regulatory agencies. OC Public Works needs to consider avoidance of biological resources such as grunions spawning and bird nesting, foraging, or roosting, especially within or around the Least Tern Natural Preserve. Avoidance measures include performing maintenance activities prior to or after the grunion spawning season and California least tern and Western snowy plover nesting season, generally March through September. Special provisions and approvals are required for work during the grunion or bird nesting season.

7.0 REPORTING

A Pre-Construction Notification (PCN) shall be provided to all applicable regulatory agencies per the conditions of project permits. The notification shall describe which site(s) will be worked on, the expected activity schedule, information collected during pre-construction water sampling, and any new information or modifications to approved workplans. The PCN form is provided as Appendix E. The notification should be submitted to the regulatory agencies in advance of any maintenance activity in the timeframe listed in the regulatory permits. This is in addition to advanced approvals required from regulatory agencies for maintenance activities during grunion and bird nesting seasons.

An annual report including water quality monitoring data and assessment will be submitted to the regulatory agencies after the end of each calendar year (December 31) and prior to February 1 or as otherwise noted in the most current project permits. The annual report will be distributed to the USACE, the State Water Resources Control Board, San Diego and Santa Ana Regional Water Quality Control Boards (RWQCBs) and California Coastal Commission.

In addition to the scheduled semi-annual maintenance work, there may sometimes be a need for emergency work in response to observed site conditions at any of the channel outlets. Prior to the start of emergency maintenance activities, the site will be field reviewed as described previously. All emergency maintenance activities will be documented and the collected data and information will be included in the annual report submitted to the aforementioned agencies.

8.0 REFERENCES

Chambers Group, Inc. 2006. *Re: Grunion Protection Plan for Necessary Outlet Maintenance during the Grunion Spawning Season of March through September*. September 7, 2006.

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Rice, E. W., R. B. Baird, and A. D. Eaton, editors. 2017. *Standard Methods for the Examination of Water and Wastewater*, 23rd Edition. American Public Health Association, American Water Works Association, and Water Environment Federation.

State of California, 2017. *The Western Snowy Plover in Los Angeles and Orange Counties, California: September 2014 to February 2017*. Thomas Ryan, Stacey Vigallon, Lucien Plauzoles, Cheryl Egger, Susan Sheakley, Ross Griswold, and Bettina Eastman. State of California, Natural Resources Agency, Department of Fish and Wildlife.

U.S. Army Corps of Engineers (USACE). 1996. *Operation, Maintenance, Repair, Replacement, and Rehabilitation Manual for the Lower Santa Ana River Channel*. Los Angeles District, Corps of Engineers. Los Angeles, California.

Legend

- Mean High Water (+4.7 ft MLLW)
- High Tide Line 2018 (+7.08 ft MLLW)
- Representative Fill Area for Single Event
- Maximum Potential Fill Extent Over Multiple Events
- Excavation Area

N

0 50 100 Feet

1:1,200

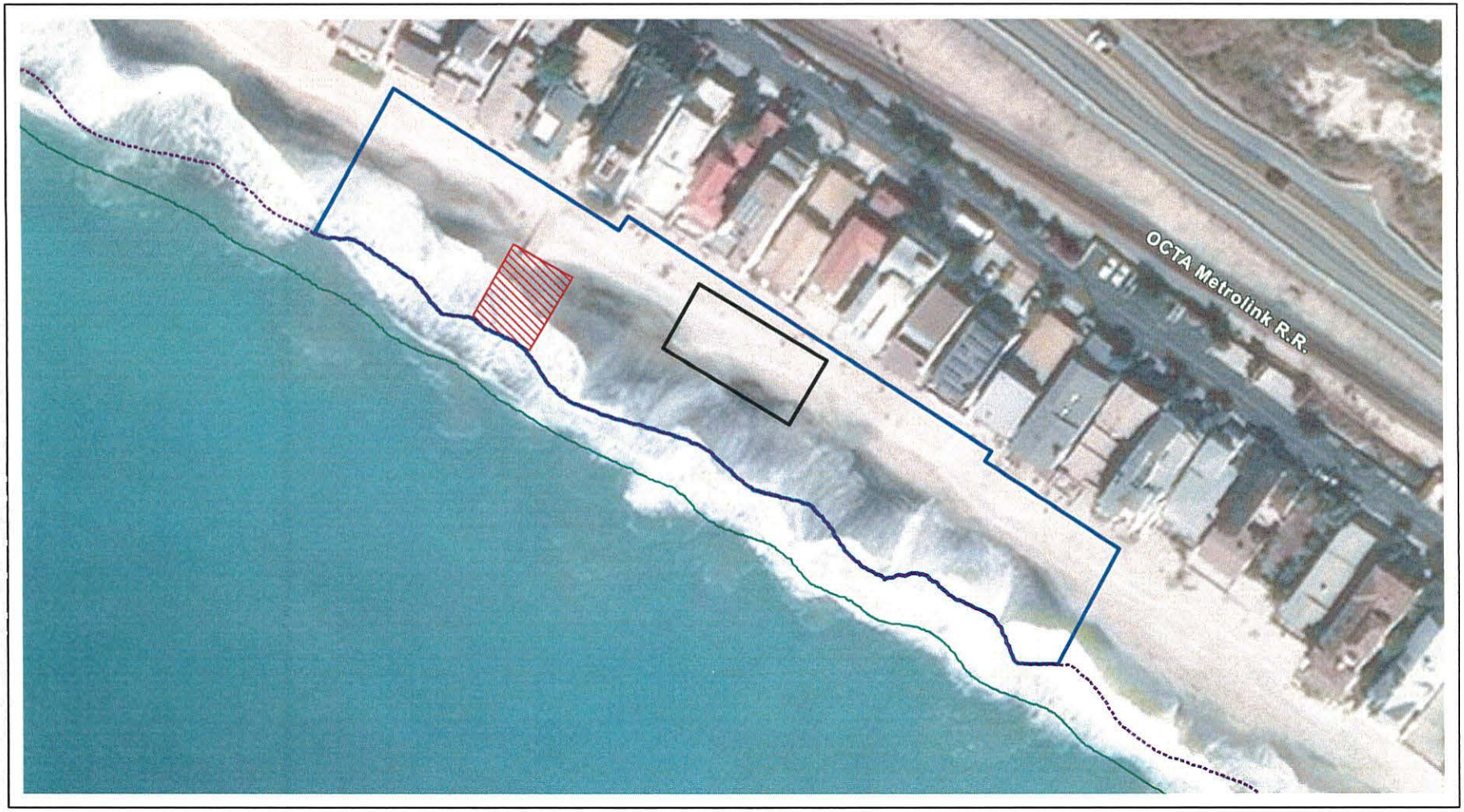
General Notes

- All sediment shall be spread on adjacent beach above high tide line.
- Tidal elevations are based on NOAA NOS Newport Bay Entrance Water Level Station.
- Tidal lines (intersection of tidal elevations on beach profile) are based on NOAA 2016 survey data, not collected concurrently with aerial imagery.

Maximum Earthwork Quantities per Event

- Excavation Area: 0.08 acres
- Fill/Discharge Area: 0.20 acres
- Excavated Material: 1,000 CY

Figure 1
Segunda Deshecha Cañada Outlet (M02)
Ocean Outlets Maintenance Manual



Legend

- Mean High Water (+4.7 ft MLLW)
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- Representative Fill Area for Single Event
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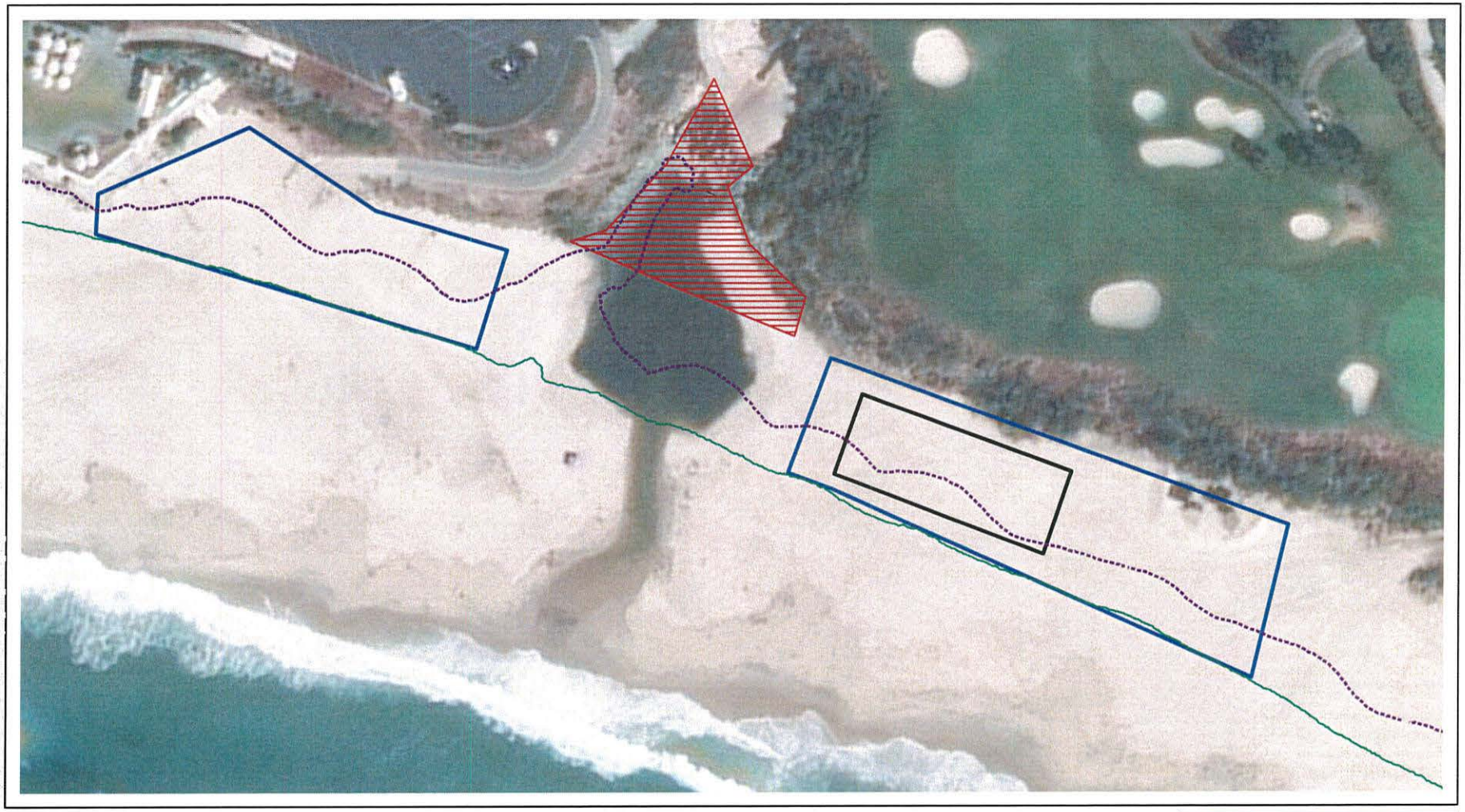
General Notes

- All sediment shall be spread on adjacent beach above high tide line.
- Tidal elevations are based on NOAA NOS Newport Bay Entrance Water Level Station.
- Tidal lines (intersection of tidal elevations on beach profile) are based on NOAA 2016 survey data, not collected concurrently with aerial imagery.

Maximum Earthwork Quantities per Event

- Excavation Area: 0.06 acres
- Fill/Discharge Area: 0.12 acres
- Excavated Material: 500 CY

Figure 2
Estrella Storm Channel Outlet (M00S01)
Ocean Outlets Maintenance Manual



Legend

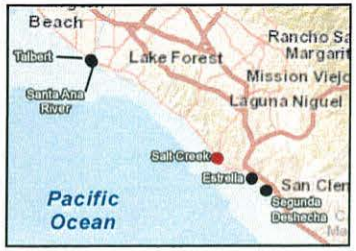
- Mean High Water (+4.7 ft MLLW)
- High Tide Line 2018 (+7.08 ft MLLW)
- Representative Fill Area for Single Event
- Maximum Potential Fill Extent Over Multiple Events
- Excavation Area and Rock Repair

General Notes

- Tidal elevations are based on NOAA NOS Newport Bay Entrance Water Level Station.
- Tidal lines (intersection of tidal elevations on beach profile) are based on NOAA 2016 survey data, not collected concurrently with aerial imagery.

Maximum Earthwork Quantities per Event

Excavation Area: 0.23 acres
Fill/Discharge Area: 0.20 acres
Excavated Material: 1,000 CY



N

0 50 100 Feet
1:1,200

Figure 3
Salt Creek Outlet (K01)
Ocean Outlets Maintenance Manual

Figure 4a
Santa Ana River Channel Outlet (E01)
Ocean Outlets Maintenance Manual

Legend

- Low Tide Line (0.0 ft MLLW)
- Mean High Water (+4.7 ft MLLW)
- High Tide Line 2018 (+7.08 ft MLLW)
- Representative Fill Area for Single Event
- Maximum Potential Fill Extent Over Multiple Events
- Excavation

Maximum Earth Work Quantities per Event

- Excavation Area: 6.36 acres
- Discharge Area: 11.22 acres
- Excavated Material: 70,000 CY

General Notes

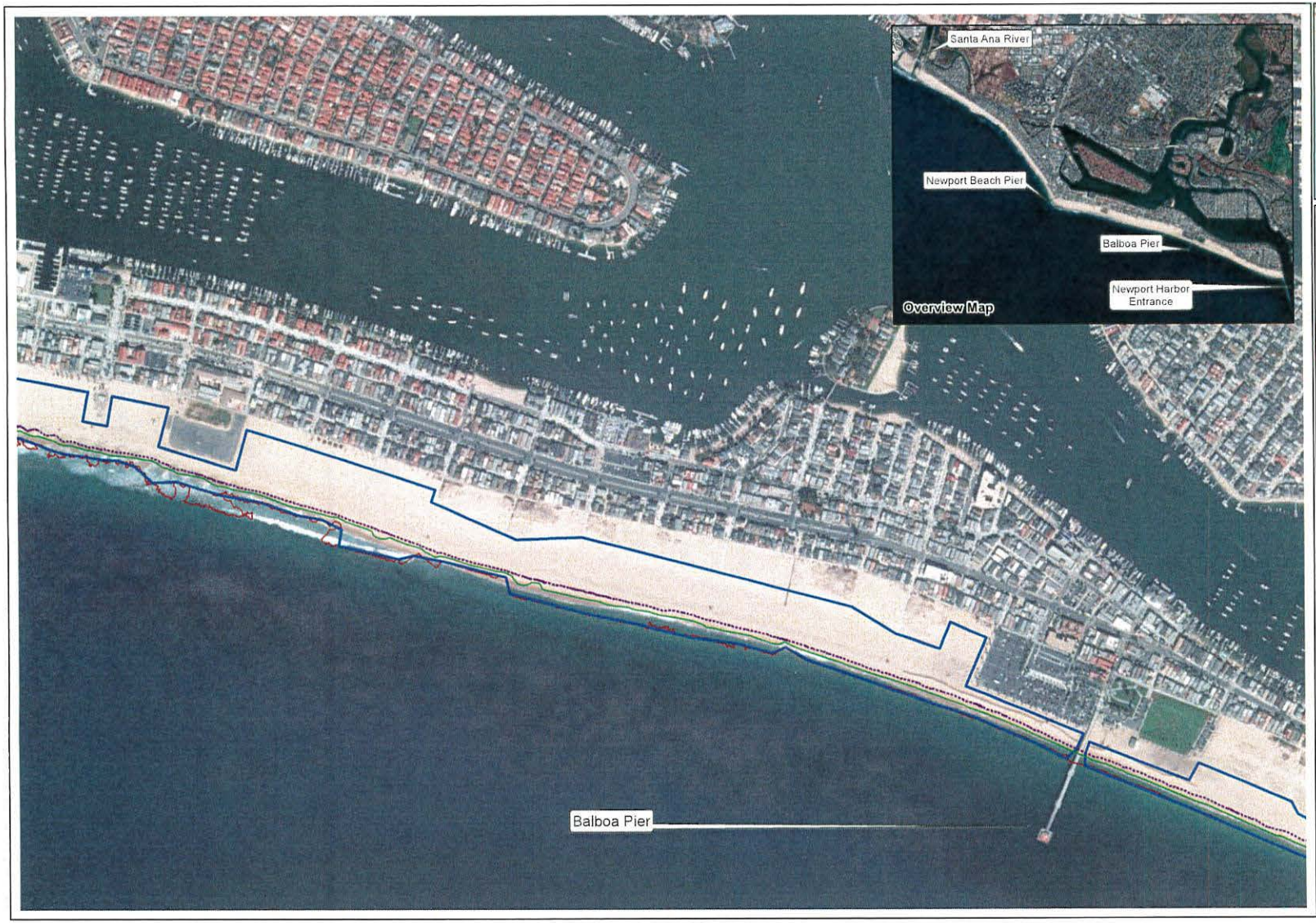
- Tidal elevations are based on NOAA NOS Newport Bay Entrance Water Level Station.
- Tidal lines (intersection of tidal elevations on beach profile) are based on NOAA 2016 survey data, not collected concurrently with aerial imagery.

N

0 250 500 Feet

1:7,500

Figure 4b
Santa Ana River Channel Outlet (E01)
Ocean Outlets Maintenance Manual



Legend

- Low Tide Line (0.0 ft MLLW)
- Mean High Water (+4.7 ft MLLW)
- High Tide Line 2018 (+7.08 ft MLLW)
- Representative Fill Area for Single Event
- Maximum Potential Fill Extent Over Multiple Events
- Excavation Area

Maximum Earth Work Quantities per Event

- Excavation Area: 6.36 acres
- Discharge Area: 11.22 acres
- Excavated Material: 70,000 CY

General Notes

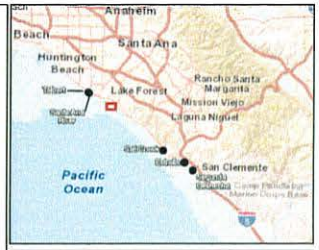
- Tidal elevations are based on NOAA NOS Newport Bay Entrance Water Level Station.
- Tidal lines (intersection of tidal elevations on beach profile) are based on NOAA 2016 survey data, not collected concurrently with aerial imagery.

N

0 250 500 Feet

1:7,500

Figure 4c
Santa Ana River Channel Outlet (E01)
Ocean Outlets Maintenance Manual



Legend

- Low Tide Line (0.0 ft MLLW)
- Mean High Water (+4.7 ft MLLW)
- High Tide Line 2018 (+7.08 ft MLLW)
- Representative Fill Area for Single Event
- Maximum Potential Fill Extent Over Multiple Events
- Excavation Area

Maximum Earth Work Quantities per Event

- Excavation Area: 6.36 acres
- Discharge Area: 11.22 acres
- Excavated Material: 70,000 CY

General Notes

- Tidal elevations are based on NOAA NOS Newport Bay Entrance Water Level Station.
- Tidal lines (intersection of tidal elevations on beach profile) are based on NOAA 2016 survey data, not collected concurrently with aerial imagery.

N

0 250 500 Feet

1:7,500

Figure 4d
Santa Ana River Channel Outlet (E01)
Ocean Outlets Maintenance Manual

Figure 5
Talbert Channel Outlet (D02)
Ocean Outlets Maintenance Manual

Appendix A
Regulatory Agency Permits

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO
ATTENTION OF

June 21, 2013

Regulatory Division

Nardy Khan
Orange County Public Works
300 North Flower Street
Santa Ana, California 92703

Dear Ms. Khan:

Enclosed you will find a signed copy of Regional General Permit No. 46 for the Orange County Public Works Ocean Outlets Maintenance Project (Corps File No. SPL-2010-00868-SME), located in and adjacent to six ocean outlets in the cities of Huntington Beach, Dana Point, and San Clemente, Orange County, California. Please retain this copy for your files.

Thank you for participating in our Regulatory Program. If you have any questions, please contact Stephen Estes at 213-452-3660 or via email at Stephen.M.Estes@usace.army.mil.

Please be advised that you can now comment on your experience with Regulatory Division by accessing the Corps web-based customer survey form at: http://per2.nwp.usace.army.mil/survey.html.

Sincerely,

Corice J. Farrar
Chief, Orange and Riverside Counties Section
South Coast Branch

Enclosure

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

DEPARTMENT OF THE ARMY REGIONAL GENERAL PERMIT NUMBER 46

Permittee: Orange County Public Works (OCPW)

Permit Number: Regional General Permit (RGP) No. 46 (SPL-2010-00868-SME)

Issuing Office: Los Angeles District

Note: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Location: The project would occur at and adjacent to six ocean outlets in the cities of Huntington Beach, Dana Point, and San Clemente, Orange County, California (Figures 1-4) at the following approximate locations:

Outlet	Latitude	Longitude
Talbert Outlet	33.631834	-117.961448
SAR Outlet	33.629505	-117.957988
Salt Creek Outlet	33.481586	-117.724475
Doheny Outlet	33.462061	-117.689065
Estrella Outlet	33.450334	-117.659659
SD Outlet	33.431546	-117.632735

Project Description: The project would consist of semi-annual outlet maintenance activities at the Talbert Channel (Talbert) Outlet (Figure 5), Santa Ana River (SAR) Outlet (Figure 6), Salt Creek Outlet (Figure 7), North Doheny Creek (Doheny) Outlet (Figure 8), Estrella Storm Channel (Estrella) Outlet (Figure 9), and Segunda Deshecha Cañada (SD) Outlet (Figure 10). In addition, OCPW may conduct up to two additional outlet maintenance activities annually at Talbert Outlet. All outlets would be subject to inspections by OCPW to determine when maintenance activities would be necessary.

Semi-annual maintenance activities would typically occur once before the summer recreation season (early spring) and once before the storm season (late summer). In general, maintenance activities would consist of removing sand deposits at the end of the outlets, distributing the sand onto the beach above the high tide line, and re-establishing rock revetments, as needed.

In the late summer or fall, the outlets would be inspected by OCPW, sand would be removed from the outlet to return the facility to design grade in accordance with the Ocean Outlet Maintenance Manual (dated August 2012), and/or rock revetments would be re-established, as needed. All removed sand would be deposited onto the adjacent beach above the high tide line. In the spring, maintenance would include re-establishment of the outlet channels to as-built conditions to prepare the beach for summer recreational use. Work would be accomplished using a bulldozer, backhoe, excavator, and/or off-road haul trucks unless otherwise indicated below.

Semi-annual maintenance at the Talbert Outlet would include excavation of approximately 13,195 (+/- 2,500) cubic yards (CYs) of sediment deposited within the outlet from a 3.64-acre area. The discharge of excavated sediment and related earthwork would occur on the beach adjacent to the outlet in an approximately 10.68-acre area above the high tide line. As described above, two additional maintenance events may be conducted each year at Talbert Outlet to address environmental conditions in Talbert Marsh and other areas (Figure 5).

Semi-annual maintenance at the SAR Outlet would include excavation of approximately 4,515 (+/- 905) CYs of sediment deposited within the outlet from a 1.72-acre area. The discharge of excavated sediment and related earthwork would occur on the beach adjacent to the outlet in an approximately 4.53-acre area above the high tide line (Figure 6).

Semi-annual maintenance at the Salt Creek Outlet would not include excavation of sediment but would include the replacement of dislodged rip-rap in front of the concrete apron structure with heavy equipment operating from the access road. Minor maintenance, including retrieval and replacement of displaced rock materials may occur year-round (Figure 7).

Semi-annual maintenance at the Doheny Outlet would be conducted to preclude water contact closures at the beach during the summer months by using excavated sediment to dam the channel above the high tide line. Water within the channel would be pumped into the nearby sanitary sewer line. After the summer season, the dam would be removed in preparation for the storm season and conveyance of storm water flows. All removed sediment would be deposited onto the adjacent beach area above the high tide line. Work would be accomplished using a bulldozer and front loader (Figure 8).

Semi-annual maintenance at the Estrella Outlet would include excavation of approximately 217 (+/- 45) CYs of sediment deposited within the outlet from a 0.055-acre area. The discharge of excavated sediment and related earthwork would occur on the beach adjacent to the outlet in an approximately 0.136-acre area above the high tide line. Rock revetments would be re-established, as needed (Figure 9).

Semi-annual maintenance at the SD Outlet would include excavation of approximately 105 (+/- 21) CYs of sediment deposited within the outlet from a 0.060-acre area. The discharge of excavated sediment and related earthwork would occur on the beach adjacent to the outlet in an approximately 0.083-acre area above the high tide line. The rock revetment would be re-established, as needed (Figure 10).

Permit Conditions:

General Conditions:

1. The time limit for completing the authorized activity ends on **April 18, 2018.**

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification from this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. A conditioned water quality certification has been issued for your project (SB11002IN). You must comply with the conditions specified in the certification as Special Conditions to this permit. For your convenience, a copy of the 401 certification is attached (Attachment A).

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.

Special Conditions:

1. **Pre-Construction Notification (PCN) Requirements**: Coastal Development Permit Amendment No. 5-02-031-A4 expires on July 1, 2016 (Attachment B). Therefore, the Permittee shall submit a PCN to the Corps Regulatory Division for maintenance activities occurring after June 30, 2016. No work shall occur after June 30, 2016 until written

authorization is issued by the Corps Regulatory Division. This requirement may be waived if the Permittee receives authorization from the California Coastal Commission to conduct work after June 30, 2016.

In addition, section 401 Water Quality Certification No. SB11002IN expires on October 22, 2017 (Attachment A). Therefore, the Permittee shall submit a PCN to the Corps Regulatory Division for maintenance activities occurring after October 22, 2017. No work shall occur after October 22, 2017 until written authorization is issued by the Corps Regulatory Division. This requirement may be waived if the Permittee receives authorization or a waiver from the State Water Resources Control Board or Regional Water Quality Control Board to conduct work after October 22, 2017.

2. **Authorized Work**: Any work authorized by this permit must be the minimum necessary to alleviate the maintenance need and shall not exceed the design specifications of the ocean outlets. In the event that additional maintenance activities are required at an outlet, the Permittee shall submit a PCN to the Corps Regulatory Division to perform the work. If the work requested under the permit were denied, the Permittee shall apply for a separate permit.

3. **Seasonal Restrictions**: Seasonal restrictions shall be imposed to avoid and minimize impacts to sensitive species, including any federally listed endangered or threatened species.

   a. The Permittee shall conduct all maintenance activities outside of the breeding season for western snowy plover (*Charadrius nivosus nivosus*) (March 1st through August 31st) to the maximum extent practicable. If maintenance activities are required during the breeding season, a qualified biologist shall conduct pre-construction bird surveys. If western snowy plovers are observed exhibiting nesting behaviors (scraping, territorial displays or call, false brooding, etc.) during the breeding season, no project-related activities shall occur within 500 feet of these areas until subsequent monitoring indicates western snowy plovers are no longer present. If western snowy plovers are not observed exhibiting nesting behaviors but are roosting within 500 feet of the project footprint, a qualified biologist shall be present on-site at all times during maintenance activities requiring mechanized equipment. The qualified biologist shall have the ability to halt maintenance activities. If western snowy plovers are observed nesting within 0.2 mile of the project site, the Permittee shall immediately notify the Corps Regulatory Division.

   b. The Permittee shall conduct all maintenance activities outside of the breeding season for the California least tern (*Sternula antillarum browni*) (April 15th to August 31st) to the maximum extent practicable. If maintenance activities are required during the breeding season, a qualified biologist shall conduct pre-construction bird surveys. If California least terns are observed exhibiting nesting behaviors (scraping, territorial displays or calls, etc.) during the breeding season, no project-related activities shall occur within 500 feet of these areas until subsequent monitoring indicates California least terns are no longer present. If California least terns are not observed exhibiting nesting behaviors but are roosting or staging within 500 feet of the project footprint, a qualified biologist shall be present on-site at all times during maintenance activities requiring mechanized

equipment. The qualified biologist shall have the ability to halt maintenance activities. If California least tern nests are located within 500 feet of the project site, the Permittee shall immediately notify the Corps Regulatory Division.

c. The Permittee shall conduct all maintenance activities outside of the California grunion (*Leuresthes tenuis*) spawning season (March 1st through September 30th) to the maximum extent practicable. If maintenance activities are required during the spawning season, pre-project surveys for grunion activity shall be conducted by a qualified biologist in accordance with the protocols described in the Grunion Protection Plan for Necessary Outlet Maintenance During the Grunion Spawning Season of March through September Report (Chambers Group, Inc., September 7, 2006). Impacts to grunion spawning areas shall be avoided or minimized in accordance with the protocols described in this report.

4. **Endangered Species**: This Corps permit does not authorize you to take any threatened or endangered species, in particular, the western snowy plover or California least tern, or adversely modify their designated critical habitat. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA) (e.g. ESA section 10 permit, or a Biological Opinion (BO) under ESA section 7, with "incidental take" provisions with which you must comply). Your authorization under this Corps permit is conditional upon your compliance with all of the required avoidance and minimization measures, which are incorporated by reference in this permit (Attachments C and D). Failure to comply with the required avoidance and minimization measures would constitute non-compliance with your Corps permit.

5. **Historic Properties**: Pursuant to 36 C.F.R. section 800.13, in the event of any discoveries during construction of either human remains, archeological deposits, or any other type of historic property, the Permittee shall notify the Corps' Archeology Staff within 24 hours (Steve Dibble at 213-452-3849 or John Killeen at 213-452-3861). The Permittee shall immediately suspend all work in any area(s) where potential cultural resources are discovered. The Permittee shall not resume construction in the area surrounding the potential cultural resources until the Corps Regulatory Division re-authorizes project construction, per 36 C.F.R. section 800.13.

6. **Access**: You must allow representatives from this office and other Federal and state resource agencies to inspect the authorized activity at any time deemed necessary to ensure the project is being or has been accomplished in accordance with the terms and conditions of this RGP.

7. **Best Management Practices**: No debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, oil or petroleum products, from construction shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the United States. Therefore, the Permittee shall employ all standard Best Management Practices to ensure that toxic materials, silt, debris, or excessive erosion do not enter waters of the United States during project construction.

8. **Erosion and Siltation Controls**: When performing any excavation activity in or near the outlets, all excavated material shall be distributed onto the adjacent beach above high tide line. Every effort must be made to ensure any material excavated from waters of the United States is not likely to be washed back into any waters of the United States.

9. **Equipment**: Vehicles shall not be driven or equipment operated in waters of the United States on-site, except as necessary to complete the proposed project. The Permittee shall ensure all vehicle maintenance, staging, storage, and dispensing of fuel occur in designated upland areas, located in such a manner as to prevent any runoff from entering waters of the United States.

10. **Suitable Material**: The Permittee shall discharge only clean materials suitable for use in the oceanic environment. No discharge of dredged or fill material may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

11. **Aquatic Life Movements**: No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area.

12. **Spawning Areas**: Discharges into spawning areas during spawning season shall be avoided to the maximum extent practicable. See Special Condition 3 for seasonal restrictions.

13. **Waterfowl Breeding Areas**: Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

14. **Navigation**: The permitted activity shall not interfere with the right of the public to free navigation on all navigable waters of the United States. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, cessation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

15. **Reports**: The Permittee shall submit an annual written report to this office, with copies provided to the U.S. Fish and Wildlife Service and National Marine Fisheries Service, by February 1st of each year this RGP is valid. The report shall summarize all maintenance activities conducted at the ocean outlets throughout the year under this RGP. The reports shall include written documentation and photographs of all work performed under this RGP during the prior year. Any data collected, including water quality samples and terrestrial or aquatic sensitive species surveys, shall be included in the annual report. **Providing this report is mandatory**. These reports enable us to track the use of this RGP to verify that the minimal effects determination is being met, as required by section 404(e) of the Clean Water Act. Failure to provide timely annual reports would constitute non-compliance with this Special

Condition and would be considered a violation (33 C.F.R. section 326.4(d)). **Furthermore, failure to provide these annual reports will jeopardize the possibility of reauthorizing this permit when it expires.** At a minimum, the report shall include the following information:

a. The name, address, and telephone number of:
   i. The Permittee's Point of Contact
   ii. The Permittee's agent (if appropriate)

b. Full description of the activities conducted during the previous year, including:
   i. Description of each maintenance event for each ocean outlet, including any deviations from the project description. This description shall include the approximate volume of material dredged and the location of placement of this material on an aerial photograph
   ii. Size and description of the project area (include maps, drawings, and photographs)
   iii. Information on the receiving waterbody impacted including:
      a) Name of waterbody
      b) Type of receiving waterbody
      c) Temporary/permanent adverse impact(s) in acres/cubic yards/linear feet
      d) Other mitigation steps (to avoid, minimize)
      e) Compensatory mitigation in acres/cubic yards/linear feet
   iv. Information on federally listed or proposed endangered species, designated or proposed critical habitat, EFH, and federally managed fish species including:
      a) Temporary/permanent adverse impacts
      b) Mitigation steps (to avoid, minimize)
      c) Compensatory mitigation

Further Information:

1. Congressional Authorities. You have been authorized to undertake the activity described above pursuant to:
   (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
   (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
   ( ) Section 103 of the Marine Protection Research and Sanctuaries Act (33 U.S.C. 1413).

2. Limits of this authorization.

   a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

   b. This permit does not grant any property rights or exclusive privileges.

   c. This permit does not authorize any injury to the property or rights of others.

   d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

   a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

   b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

   c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

   d. Design or construction deficiencies associated with the permitted work.

   e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Re-evaluation of Permit Decision. This office may re-evaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a re-evaluation include, but are not limited to, the following:

   a. You fail to comply with the terms and conditions of this permit.

   b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

   c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

   Such a re-evaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 C.F.R. §325.7 or enforcement procedures such as those contained in 33 C.F.R. §§326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 C.F.R. §209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

PERMITTEE

June 3, 2013
DATE

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Corice Farrar

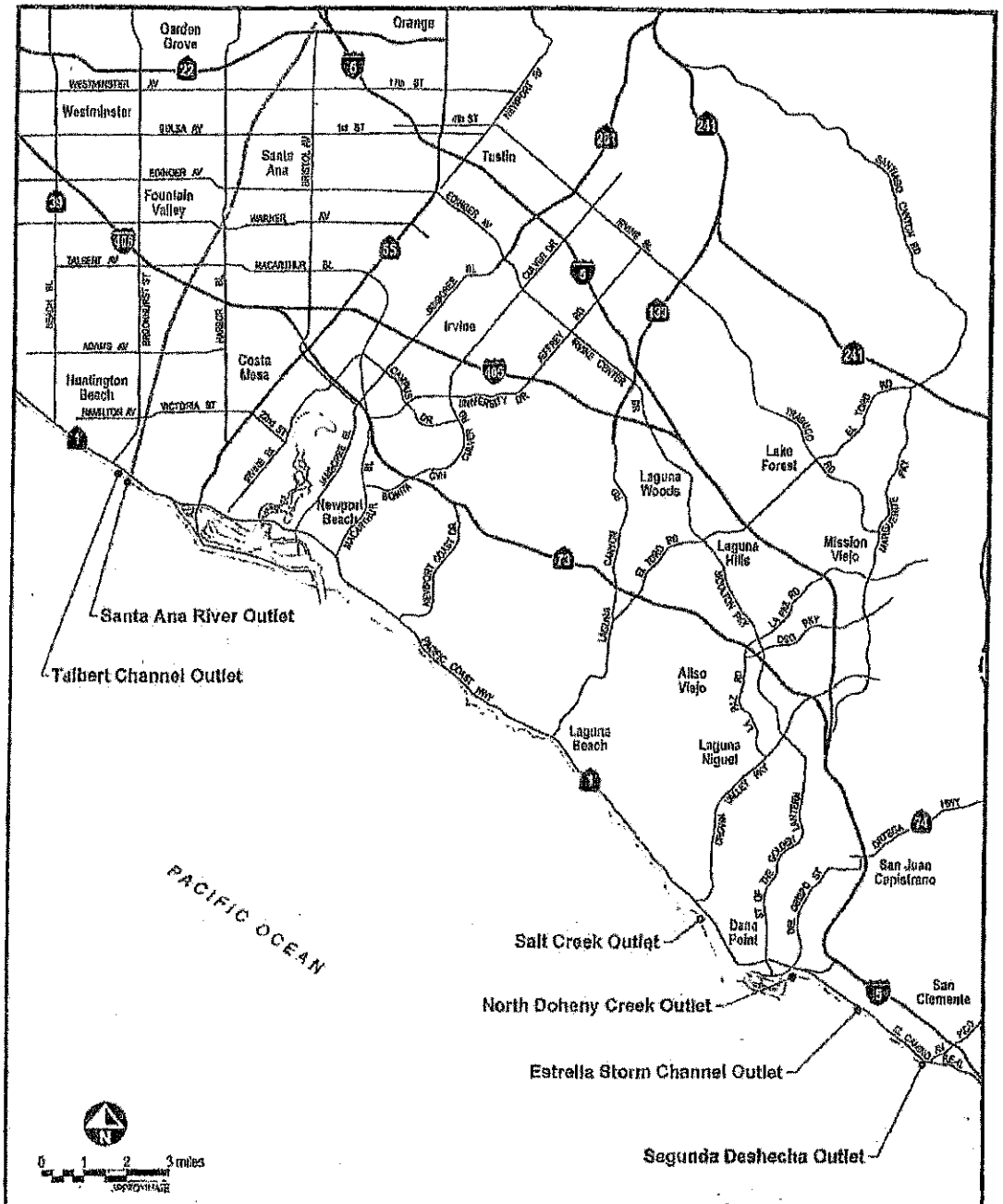
21 June 2013
DATE

Corice J. Farrar
Chief, Orange and Riverside Counties Section
South Coast Branch

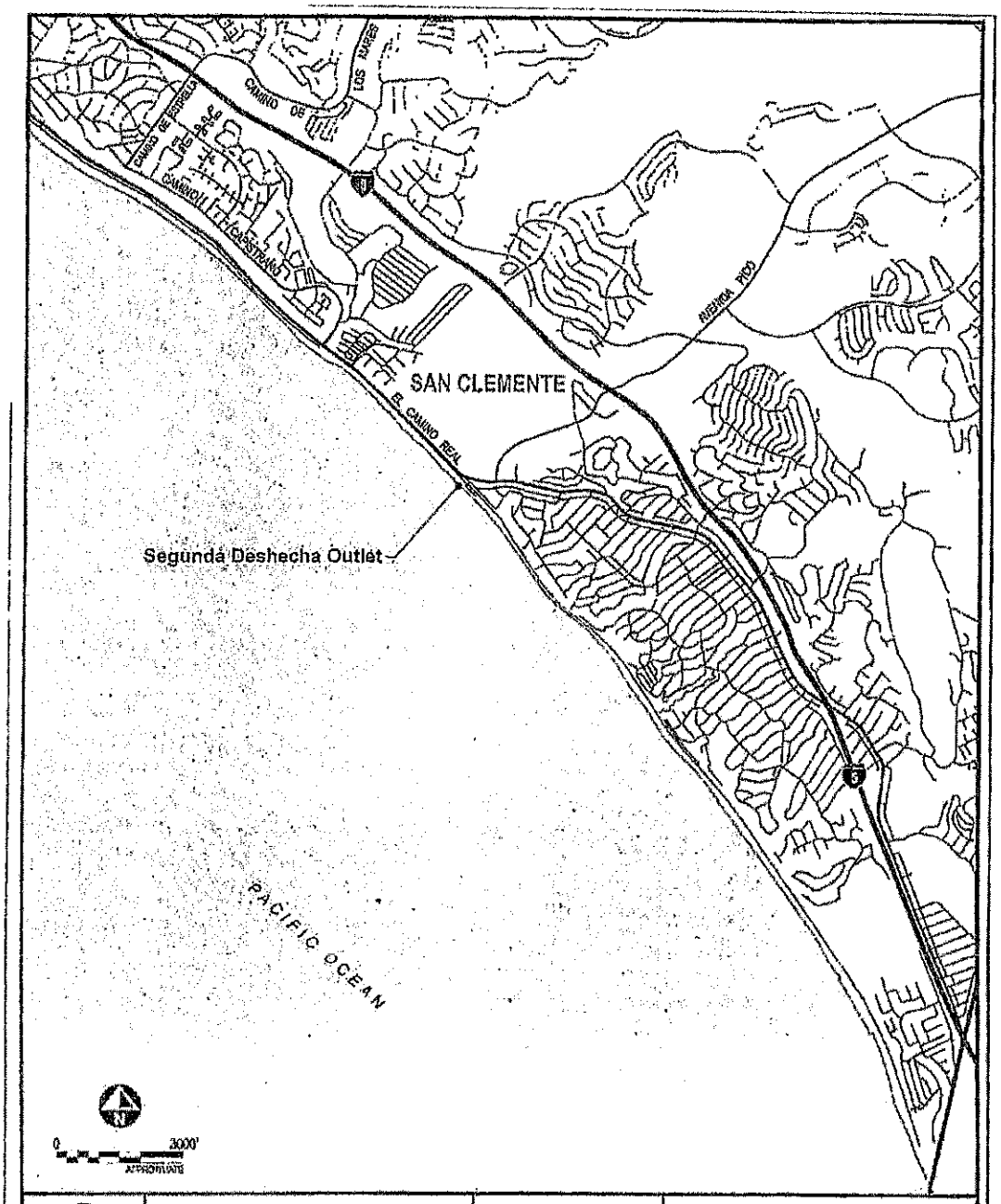
When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

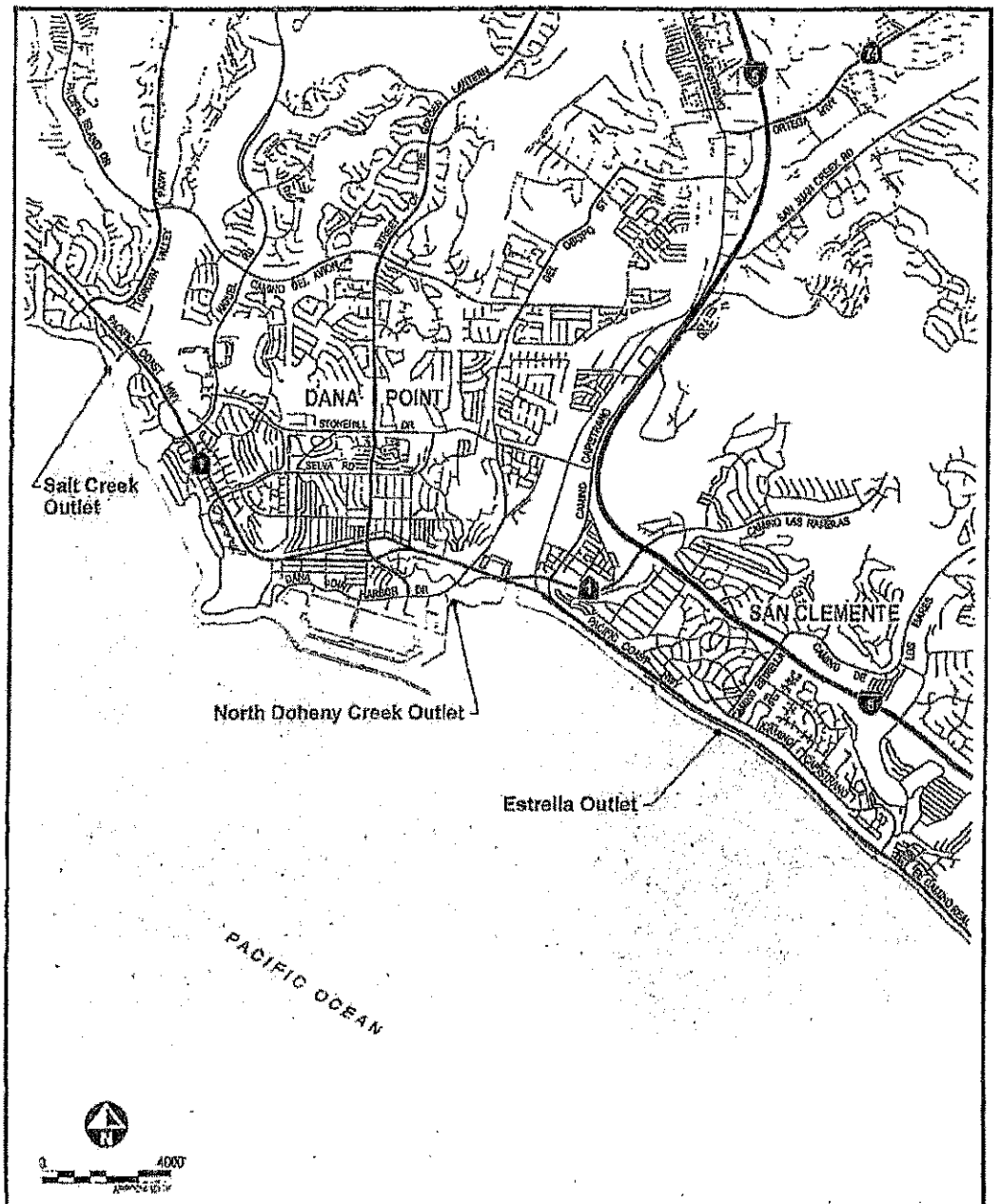
TRANSFEREE

DATE

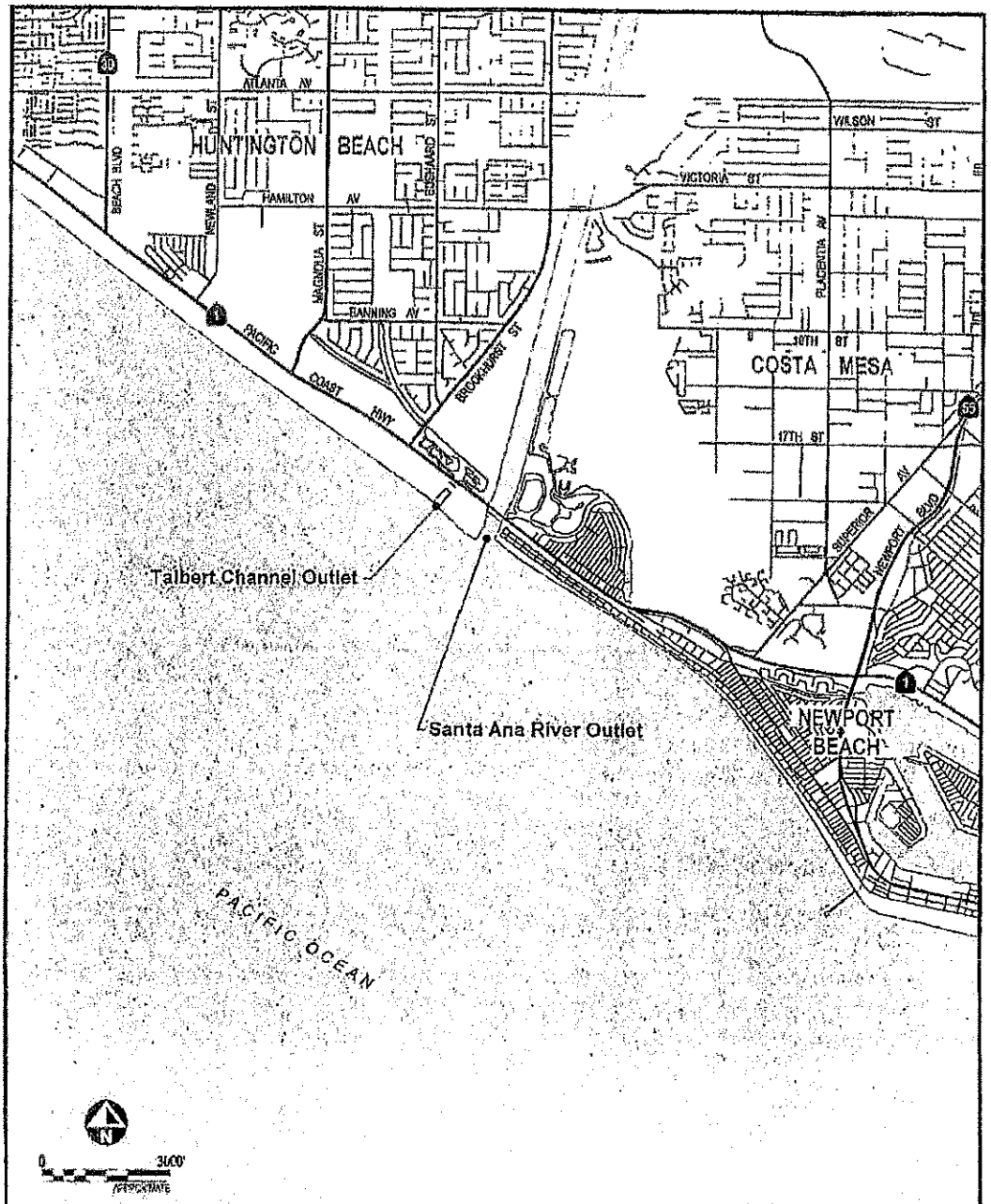


Orange County Public Works	SCALE: 1" = 3 miles	FIGURE 1
Ocean Outlet Maintenance Manual		**Vicinity Map**


CAMINO DE LOS MARES
CAMINO DE ESTRELLA
LOS PASOS
CAMINO CAPISTRANO
AVENIDA PICO
SAN CLEMENTE
EL CAMINO REAL
Segunda Deshecha Outlet
PACIFIC OCEAN
0
3000'
APPROXIMATE
Orange County Public Works
SCALE: 1" = 3000'
FIGURE 2
Ocean Outlet Maintenance Manual
Segunda Deshecha Ocean Outlet



Orange County Public Works	SCALE: 1" = 4000'	FIGURE 3
Ocean Outlet Maintenance Manual		Estrella, North Doheny Creek & Salt Creek Ocean Outlets



Orange County Public Works	SCALE: 1" = 3000'	FIGURE 4
Ocean Outlet Maintenance Manual		**Santa Ana River & Talbert Ocean Outlets**

Legend

- Extreme High Tide 2011
- Talbert USACE Total

2010 Survey

- Mean High Tide Line
- Waters of the U.S.

Work_Areas

- Discharge Site
- Excavation

N
W E
S

0 200 400 800 1,200

Feet

1 inch = 400 feet @ 8.5 x 11

1:4,800

Figure 5

Ocean Outlet Maintenance Plan
Talbert Channel

20281 | Fig 6 - Talbert Channel - ExHighTide.mxd

Version Date: 1-11-12

Chambers Group Inc.

Legend

- Extreme High Tide 2011

Location

- Santa Ana River USACE Total

2010 Survey

- Mean High Tide Line
- Waters of the U.S.

Work_Areas

- Discharge Site
- Excavation

N
W E
S

0 150 300 600 900
Feet

1 inch = 417 feet @ 8.5 x 11 1:5,000

Figure 6
Ocean Outlet Maintenance Plan
Santa Ana River

20281 | Fig 3 - Santa Ana River - ExHighTide.mxd
Version Date: 1-11-12

Chambers Group Inc.

Legend

- Extreme High Tide 2011
- Salt Creek USACE Total

2010 Survey

- Mean High Tide Line
- Waters of the U.S.

Work Areas

- Rip-Rap Replacement

N
W E
S

0 80 160 320 480

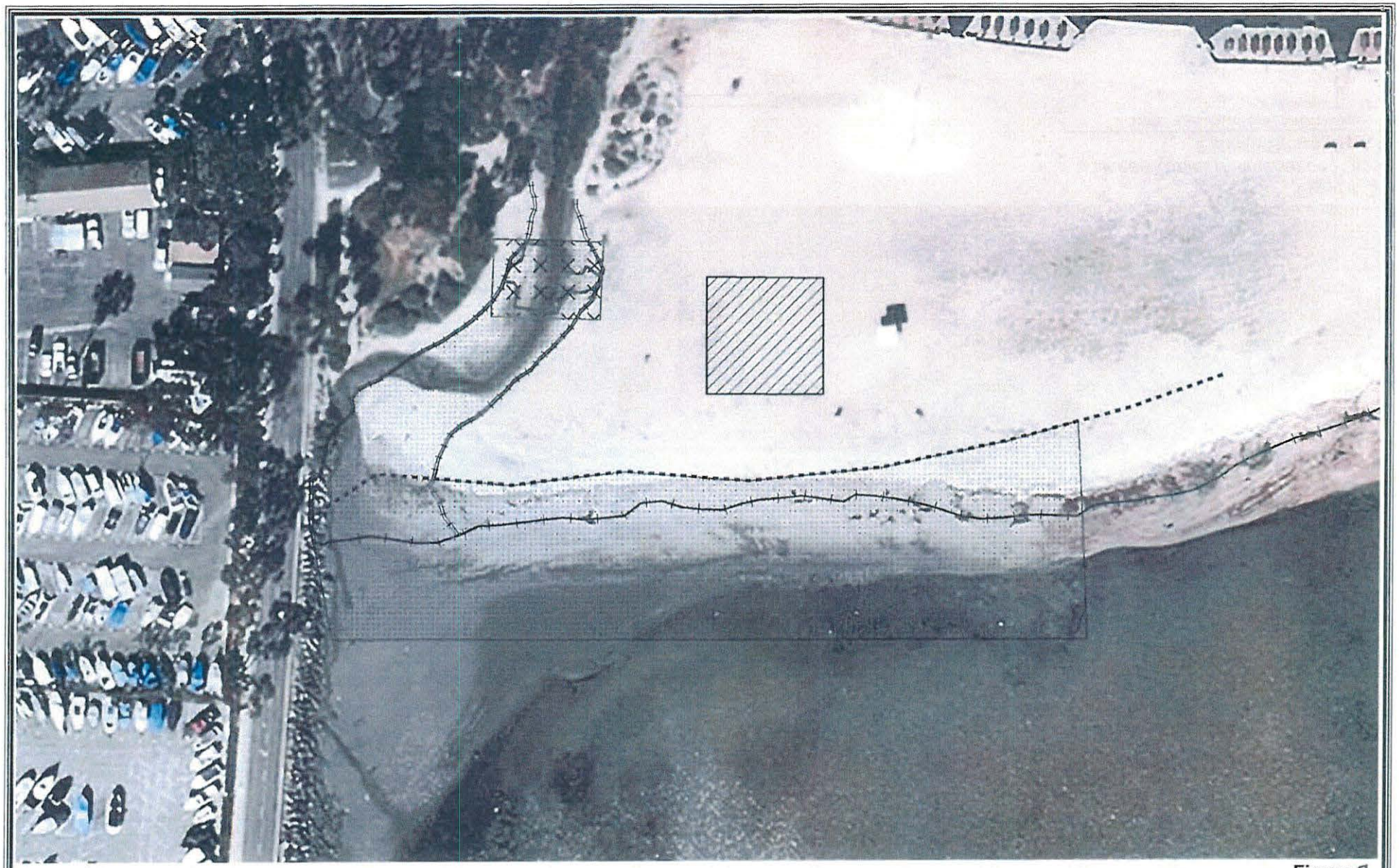
Feet

1 inch = 167 feet @ 8.5 x 11 1:2,000

Figure 7
Ocean Outlet Maintenance Plan
Salt Creek

20281 | Fig 4 - Salt Creek - ExHighTide.mxd
Version Date: 1-9-2013

CHAMBERS GROUP



Legend

- Extreme High Tide 2011
- Doheny USACE Total 2010 Survey
- Mean High Tide Line
- Waters of the U.S.

Work_Areas

- Discharge Site
- Excavation

N
W E
S

0 30 60 120 180

Feet

1 inch = 83 feet @ 8.5 x 11 1:1,000

Figure 8

Ocean Outlet Maintenance Plan
North Doheny

20281 | Fig 1 - North Doheny - ExHighTide
Version Date: 1-11-12

Chambers Group Inc.

Legend

- Extreme High Tide 2011
- Estrella USACE Total

2010 Survey

- Mean High Tide Line
- Waters of the U.S.

Work_Areas

- Discharge Site
- Excavation

N
W E
S

0 35 70 140 210

Feet

1 inch = 83 feet @ 8.5 x 11 1:1,000

Figure

Ocean Outlet Maintenance Plan
Estrella Storm Drain

20281 | Fig 5 - Estrella Storm Drain - ExHighTide
Version Date: 1-11-12

Chambers Group Inc.

Legend

- Extreme High Tide 2011
- Segunda Deshecha USACE Total 2010 Survey
- Mean High Tide Line
- Waters of the U.S.

Work_Areas

- Discharge Site
- Excavation

N
W E
S

0 30 60 120 180
Feet

1 inch = 83 feet @ 8.5 x 11 1:1,000

Figure 10
Ocean Outlet Maintenance Plan
Segunda Deshecha

20281 | Fig 2 - Segunda Deshecha - ExHighTide
Version Date: 1-11-12

Chambers Group Inc.

Water Boards

State Water Resources Control Board

OCT 22 2012

Mr. Nardy Khan
Orange County Public Works
300 North Flower Street
Santa Ana, CA 92702

Dear Mr. Khan:

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR THE ORANGE COUNTY PUBLIC WORKS ORANGE COUNTY OCEAN OUTLETS MAINTENANCE PROGRAM (FILE NO. SB11002IN)

Orange County Public Works Department submitted an application for a Clean Water Act section 401 water quality certification (Certification) for the Orange County Ocean Outlets Maintenance Program on March 24, 2011. The application was found to be complete on May 14, 2012.

The Orange County Ocean Outlets Maintenance Program provides routine and ongoing maintenance activities for six ocean outlets at various specified locations in Orange County. The U.S. Army Corps of Engineers (Corps) issued Regional General Permit number 46 for these (Corps file no. SPL-2010-00868-SME) activities on November 23, 2003, and reissuance is currently pending.

State Water Resources Control Board staff reviewed all information submitted regarding the maintenance activities, proposed water quality protection measures, and mitigation requirements. Consultations were conducted with the Santa Ana Regional Water Quality Control Board, San Diego Regional Water Quality Control Board, and the Corps.

Pursuant to the California Code of Regulations title 23, section 3838, I hereby make the Certification determination described in the enclosure. Attachments A through C of the enclosure are also part of this Certification.

If you require further assistance, please contact Cliff Harvey, the staff person most knowledgeable on the subject, at (916) 558-1709 (cliff.harvey@waterboards.ca.gov). You may also contact Bill Orme, Chief of the 401 Certification and Wetlands Protection Unit, at (916) 341-5464 (borme@waterboards.ca.gov).

Sincerely,

Thomas Howard

Thomas Howard
Executive Director

Attachment A

Enclosures (4): Water Quality Certification for RGP 46 and attachments
Attachment A: Signatory Requirements
Attachment B: Project Information Sheet
Attachment C: Location Map – Orange County Ocean Outlets

cc: Mr. Dave Castanon
Chief, Regulatory Branch
Los Angeles District, Ventura Field Office
U.S. Army Corps of Engineers
Department of the Army
2151 Alessandro Drive, Suite 110
Ventura, CA 93001

Ms. Therese O. Bradford
Chief, South Coast Branch
Regulatory Division
U.S. Army Corps of Engineers
6010 Hidden Valley Road, Suite 105
Carlsbad, CA 92011

Mr. Jason A. Brush
Chief, Wetlands Regulatory Office (WTR-8)
U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

Mr. Jim Bartel
Field Supervisor
U.S. Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92011

Mr. Brian Owens
Marine Environmental Scientist
California Department of Fish and Game
350 Harbor Boulevard
Belmont, CA 94002

Mr. Chris Yates
Assistant Regional Administrator
Protected Resources
NOAA National Marine Fisheries Service
501 West Ocean Boulevard, Suite 4200
Long Beach, CA 90802-4213

Mr. Rory Paster
Orange County Public Works
300 North Flower Street
Santa Ana, CA 92702

Mr. David W. Gibson
Executive Officer
San Diego Regional Water Quality
Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Mr. Kurt Berchtold
Executive Officer
Santa Ana Regional Water Quality
Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3339

Water Boards

State Water Resources Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR THE ORANGE COUNTY OCEAN OUTLETS MAINTENANCE PROGRAM -- U.S. ARMY CORPS OF ENGINEERS LOS ANGELES DISTRICT REGIONAL GENERAL PERMIT 46
FILE NO. SB11002IN

PROJECT: Orange County Ocean Outlets Maintenance Program
U.S. Army Corps of Engineers Los Angeles District Regional General Permit 46
(SPL-2010-00868-SME)

APPLICANT: Mr. Nardy Kahn
Orange County Public Works
300 North Flower Street
Santa Ana, CA 92702-4048

This Clean Water Act section 401 water quality certification (Certification) responds to your request on behalf of Orange County Public Works (OCPW) for the project. Your application was received on March 15, 2011. Public notice of the application was posted on the State Water Resources Control Board's (State Water Board) Web site on February 29, 2012. Your application was determined to be complete on May 14, 2012.

ACTION:

- ☐ Order for Standard Certification
- ☑ Order for Technically Conditioned Certification
- ☐ Order for Denial of Certification
- ☐ Order for Waiver of Waste Discharge Requirements

AUTHORIZATION:

On March 15, 2011, the State Water Board received an application from OCPW requesting a Certification for activities related to the Regional General Permit 46 (RGP 46) for the Orange County Ocean Outlets Maintenance Program (Program) The maintenance activities for each location are described in OCPW's Ocean Outlets Maintenance Manual (OOM Manual).

The Program was originally certified on November 19, 2003. That Certification was extended

for an additional two-year period and has now expired. This new Certification addresses updates to the project's CEQA compliance, mitigation measures, and the U.S. Army Corps of Engineers (Corps) renewal of RGP 46.

The Program proposes the recurrent opening or re-opening of six river and estuary outlets to the ocean that have been blocked with sand, and, in some locations, to reshape the outlet by replacing rocks or removing streambed meanders. Proposed activities would consist of removing sand at the end of the outlets, distributing sand on the beach above the high tide line, and re-establishing rock revetments where necessary. The outlets would typically be treated: once before the storm season (late summer) and once before the summer recreation season (early spring). Notification will be provided to the State Water Board and Regional Water Quality Control Boards (Regional Water Boards) before commencement of each permitted activity.

Six sites are proposed for treatment (See Attachment C). The sites are:

1. Segunda Deshecha Canada Ocean Outlet, near Avenida Estacion and Calle Deshecha, in San Clemente.

2. Santa Ana River Outlet, near Pacific Coast Highway, south of Brookhurst Street in Huntington Beach.

3. Talbert Channel Outlet, near Pacific Coast Highway, south of Brookhurst Street in Huntington Beach.

4. Estrella Storm Channel, off Beach Road, in Dana Point.

5. North Doheny Creek at Doheny State Beach, near Dana Point Harbor off Puerto Place, in Dana Point.

6. Salt Creek, at Salt Creek Beach Park off Pacific Coast Highway, in Dana Point.

The planned activities are authorized to continue for a five year period commencing with the adoption of this Certification.

STANDARD CONDITIONS:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to the Water Code, section 13330, and the California Code of Regulations, title 23, section 3867 and following.

2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent Certification application was filed pursuant to California Code of Regulations, title 23, section 3856, subdivision (b), and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. This Certification is conditioned upon total payment of any fee required under California Code of Regulations, title 23, and owed by OCPW.

ADMINISTRATIVE CONDITIONS:

4. The State Water Board reserves the right to suspend, cancel, or modify and reissue this Certification, after providing notice to OCPW and/or responsible contractor/sub-contractor, if the State Water Board determines that the project or any activities conducted pursuant to this Certification fail to comply with any of the terms or conditions of this Certification or any State Water Board or Regional Board water quality plan or policy.

5. A copy of this Certification, the application, and supporting documentation must be available at project sites during construction for review by site personnel and agencies. All personnel performing work on the projects shall be familiar with the content of this Certification and its posted location on the project sites.

6. OCPW shall grant the State Water Board, the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) and San Diego Regional Water Quality Control Board (San Diego Water Board) staff(s), or their authorized representative(s), upon presentation of credentials and other documents as may be required by law, permission to enter the project site(s) at reasonable times, to ensure compliance with the terms and conditions of this Certification and/or to determine the impacts the project activities may have on waters of the state.

7. In response to any violation of the conditions of this Certification, the State Water Board may amend this Certification as appropriate to ensure compliance.

ADDITIONAL CONDITIONS:

8. This Certification does not apply to any project associated with any diversion of water for domestic, irrigation, industrial or other beneficial use.

9. All conditions of RGP 46 (SPL-2010-00868-SME) shall be in effect for this Certification and are incorporated by reference into this Certification, except as modified in the conditions below.

10. All activities conducted under this Certification shall comply with all reporting, monitoring, Best Management Practices (BMPs), and all other conditions and specifications of the August 2012 OOM Manual (or subsequent revisions as approved by the State Water Board), and the associated Initial Study and Mitigated Negative Declaration (IS/MND).

11. This Certification does not obviate the need to obtain other permits that may be required by federal, state, and local authorities.

12. Ocean outlet maintenance at the Salt Creek outlet will occur within and adjacent to the boundaries of Dana Point State Marine Conservation Area. The permitted activity shall

not be conducted in a manner that violates any regulations as described in the California Code of Regulations title 14, section 632(a) and, in particular, section 632(b)(114), which states that operation and maintenance of artificial structures inside the conservation area is allowed pursuant to any required federal, state and local permits, or as otherwise authorized by the Department of Fish and Game.

13. Projects covered under this Certification shall not result in taking of any endangered, threatened or candidate species or the habitat of such species except as authorized pursuant to the California Endangered Species Act (Fish & G. Code, § 2050 et seq.) and the federal Endangered Species Act (16 U.S.C. § 1531 et seq.).

Discharges

14. Projects covered under this Certification shall not discharge substances in concentrations toxic to human, plant, animal or aquatic life or that produce detrimental physiological responses.

15. Projects covered under this Certification shall comply with all applicable National Pollutant Discharge Elimination System permits and Waste Discharge Requirements.

16. Projects covered under this Certification shall not discharge waste classified as "hazardous" as defined in California Code Regulations, title 22, section 66261 and Water Code section 13173.

17. The discharge of petroleum products or other pollutants to surface waters that may result in violation of water quality standards is prohibited. Activities shall not cause visible oil, grease, or foam in the work area or downstream or in the Pacific Ocean.

Best Management Practices

18. BMPs described in Appendix F of the OOM Manual shall be implemented and maintained throughout the life of permitted projects to help minimize and avoid impairment of water quality. In addition, BMPs for all projects shall, at minimum, include the following:

    a. Boundaries of each work site shall be clearly marked. Boundary markers shall be maintained for the life of the project.

    b. All BMP materials shall be on site prior to project activity and ready for use. BMPs shall be in full compliance with all specifications governing the proper design, installation, operation, and maintenance of such management practices.

    c. Disposal of any excavated material shall be at the locations designated in the OOM Manual.

    d. No equipment or materials shall be stored, staged, or fueled in waters of the state, including wetlands or in any area where waters of the state might be adversely

affected by the equipment or materials. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall be conducted in designated upland areas outside of waters of the state and shall not result in a discharge or a threatened discharge to waters of the state.

e. All work areas shall be effectively isolated from stream flows using suitable control measures before commencement of any in-water work. Diverted stream flows shall not be contaminated by construction activities.

f. All areas disturbed by project activities shall be protected from washout and erosion.

g. When a project is completed, any excess material or debris shall be removed from the work area and disposed of properly.

Notification and Reporting

19. **Pre-Construction:** A pre-construction notification as described in Appendix G-2 of the OOM Manual shall be sent to the State Water Board, and either the Santa Ana Water Board and/or the San Diego Water Board, as appropriate, at the addresses shown.

    Notification shall be provided no later than 30 days prior to commencing ocean outlet maintenance activities that may affect waters of the state. The notification fee as published by the State Water Board shall be provided by OCPW pursuant to California Code of Regulations, title 23, section 2200. Notifications must indicate which project site(s) will be affected, the expected schedule of activity, and any new information or proposed modifications to the work plans presented in the OOM Manual.

    The State Water Board and Regional Water Board(s) Executive Officer or designee reserve the authority to request additional information or exclude an individual project from coverage under this Certification.

20. **Annual Reports:** Copies of the annual report, which is to be provided to the Corps by February 1 of each year for the life of the project, shall also be provided to the State Water Board and the Regional Water Boards.

21. **Violations:** OCPW or the OCPW's contractor and subcontractors shall report in writing to the staff of the State Water Board and the appropriate Regional Water Board(s) all violations of any terms or conditions of this Certification within two consecutive days (48 hours) from the time the Orange County becomes aware of the violation. The written report shall contain:

    a. A description of the violation and its cause.

    b. The period of the violation event, including dates and times, photos of the site, and if the violation has not been corrected, the anticipated time the violation is expected to continue.

    c. Steps taken or planned to reduce, eliminate, and prevent recurrence of the violation.

22. **Submittal Addresses:** The pre-construction notifications, non-compliance reports and annual reports shall be directed to: **Program Manager, 401 Certification and Wetlands Program**, at the following State Water Board and appropriate Regional Water Board office(s):

State Water Resources Control Board
Division of Water Quality
1001 I Street, 15th Floor
Sacramento, CA 95814

Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3339

San Diego Regional Water Quality Control Board
9174 Sky Park Court
San Diego, CA 92123-4340

STATE WATER BOARD CONTACT PERSON:

If you have any questions, please contact State Water Board Environmental Scientist Cliff Harvey at (916) 558-1709, via e-mail at charvey@waterboards.ca.gov, or at:

State Water Resources Control Board
Division of Water Quality - 401 Certification and Wetland Program
1001 I Street, 15th Floor
P.O. Box 100
Sacramento, CA 95812-2000

You may also contact Bill Orme, Chief of the 401 Certification and Wetlands Protection Unit, at (916) 341-5464 or via e-mail at borme@waterboards.ca.gov.

California Environmental Quality Act (CEQA)

OCPW is the lead agency responsible for compliance with CEQA (Pub. Resources Code, § 21000 et seq.). OCPW issued a Notice of Intent to Adopt a MND for the proposed project, State Clearinghouse No. 2012011009 (SCH) on January 10, 2012. State Water Board staff has reviewed and considered this document and find it to generally be adequate in its description of the proposed activities and the potential impacts, although clarification of some details is needed.

CEQA Findings

On January 6, 2012, OCPW, as lead agency, adopted a mitigated negative declaration SCH for the project in accordance with CEQA. In making its determinations and findings, the State Water Board must presume that OCPW's certified environmental document comports with the requirements of CEQA and is valid. (Pub. Resources Code, § 21167.3, subd. (b).) State Water Board staff has reviewed and considered the environmental document and all

proposed mitigation measures as presented in the OCPW OOM Manual of August, 2012 (which serves as a Mitigation Monitoring and Reporting Plan or MMRP).

Changes or alterations have been required in, or incorporated into the project, which avoid or substantially lessen the significant water quality effects as identified in the MND. However, State Water Board staff finds that minor clarifications and corrections are needed.

IS/MND Errors and Omissions

Section 1, Introduction (p. 28) of the IS/MND contains two minor inaccuracies regarding regulatory jurisdiction, which are corrected as follows:

1. The State Water Board, not any one Regional Water Board is responsible for the Certification of this programmatic project because the proposed activities would take place in two water quality control regions separately administered by the Santa Ana Water Board and San Diego Water Board.

2. The document should state, but does not, that the San Diego Water Board sets water quality standards for their region.

Disagreement with IS/MND Findings

The IS/MND indicates "no impact" for two environmental issues:

1. Part 3.4(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (p. 63)

2. Part 3.4(c) Have a substantial adverse effect on federally protected wetlands as defined by section 404 of the Clean Water Act (*Including, but not limited to, marsh, vernal pool, coastal, etc.)* through direct removal, filling, hydrological interruption, or other means? (p. 73)

The IS/MND does not consider the waters of the state associated with the resources issues highlighted in Part 3.4(b) and (c) which could potentially be affected by the project. The lead agency's determination of "No Impact" for Impacts 3.4(b) and 3.4(c) may therefore not be appropriate. Due to this omission, the State Water Board staff made the determination for Part 3.4(b) and (c) of "Less Than Significant With Mitigation" for impacts to waters of the state. The mitigation measures described for Impact 3.4(a) will also address these potential impacts to non-wetland waters for 3.4(b) and (c). In addition, Section 3.9(c) adequately addresses mitigation to offset potential impacts due to the physical effects of alteration of the channels.

In addition, the IS/MND indicates "No Impact" for Part 3.4(c) – Impacts to changes in pool elevations. The discussion in this section correctly notes that wetlands as defined by the federal Clean Water Act are not present at the site of the excavations, but that such wetlands exist upstream from the ocean outlets to be maintained and could be affected by changes in the pool elevation caused by the proposed maintenance. Based on the discussion of project purposes and project impacts provided in the IS/MND, there is little potential to cause any significant impacts to these wetlands. However, the IS/MND's determination of "No Impact" is probably not

appropriate since the potential exists. Therefore, State Water Board staff make the determination of "no significant impact" for Part 3.4(c), based on the facts that no concerns about this effect have been raised by agencies or by the public, and that no mitigation measures have been proposed to offset this project effect.

Adequacy of IS/MND:

State Water Board staff finds that the IS/MND provided is adequate, and is sufficient for review of those impacts that affect resources that are subject to the State Water Boards' authority. The minor errors and deficiencies described above do not necessitate any additional study or public review. The mitigation measures proposed are adequate to address the identified impacts, including impacts 3.4(b) and (c) as discussed above.

The proposed activity would cause impacts and potential impacts to water quality, wildlife, fish, recreation, and other resources. These impacts are mitigated by the various mitigation measures laid out in the OOM Manual, which are presented as BMPs. These include: project scheduling to avoid impacts to wildlife, fish and recreation; spill prevention and response procedures; noise and traffic management measures; solid waste management measures; vehicle and equipment cleaning measures; structural management of outflows to prevent beach contamination, and employee and contractor training.

Adequacy of Mitigation Measures:

The OOM Manual provides an adequate program for monitoring and reporting the changes required in the project or made conditions of approval in order to mitigate or avoid significant environmental effects. (Cal. Code Regs., tit. 14, § 15091)

The State Water Board therefore finds that the proposed mitigation measures for significant and potentially significant water quality impacts as identified in the IS/MND and in the measures proposed in the application for Certification and supplemental application materials, including the OOM Manual, when implemented with the conditions of RGP 46 and the conditions of this Certification, are adequate to reduce water quality impacts to less than significant levels.

State Water Board staff has reviewed and considered the environmental document and found that OCPW has avoided or substantially reduced all potentially significant environmental effects through the adoption of various mitigation measures as set forth in the MND and supporting documents. The rationale for each environmental impact and the selected mitigation measures that reduce the impact to levels below significant are found in the MND, which is incorporated by reference into this Certification. In accordance with California Code of Regulations, title 14, section 15075, the State Water Board will file a Notice of Determination with the State Clearinghouse within five days from the issuance of this Certification.

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that as long as all of the conditions listed in this Certification action are met, any discharge from the referenced project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National

Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards). This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Certification to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Act (Wat. Code § 13000 et seq.). Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of the Certification and the attachments to this Certification, and (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, the pertinent Regional Water Boards' Water Quality Control Plans and the project IS/MND.

Thomas Howard
Executive Director

10/22/2012
Date

Attachments (3): Attachment A: Signatory Requirements
Attachment B: Project Information Sheet
Attachment C: Location Map -- Orange County Ocean Outlet

Water Quality Certification

for

Orange County Ocean Outlets Maintenance Program

Attachment A

Signatory Requirements

Orange County Ocean Outlets Maintenance Program
Attachment A

SIGNATORY REQUIREMENTS

All Documents Submitted In Compliance With This Order Shall Meet The Following Signatory Requirements:

1. All applications, reports, or information submitted to the State Water Resources Control Board (State Water Board) must be signed and certified as follows:

   (a) For a corporation, by a responsible corporate officer of at least the level of vice-president.

   (b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.

   (c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

2. A duly authorized representative of a person designated in Items 1.a through 1.c above may sign documents if:

   (a) The authorization is made in writing by a person described in Items 1.a through 1.c above.

   (b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.

   (c) The written authorization is submitted to the State Water Board Executive Director.

3. Any person signing a document under this section shall make the following certification:

   "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Water Quality Certification

for

Orange County Ocean Outlets Maintenance Program

Attachment B

Project Information Sheet

Water Boards

Project Identifiers	
WDID No:	110002IN
Reg Meas ID:	
Place ID:	
Party ID:	
USACOE No:	SPL-2010-00868-SME
Other File No:	State Clearinghouse 2012011000

PROJECT INFORMATION

Details	
Application Received Date:	March 9, 2009
Application Completed Date:	May 14, 2012
Additional Info Completed Date:	May 14, 2012
Applicant:	Orange County Public Works Department (OCPW)
Applicant Representative(s):	Ms. Nardy Kahn and Mr. Rory Paster
Project Title:	Ocean Outlets Maintenance Program – RGP 46
Regulating Water Board:	State Water Board, San Diego and Santa Ana RWQCBs
Type of Project:	General Permit for Maintenance of Ocean Outlets.

Project Description:

OCPW (applicant) proposes the continuation of a routine maintenance program which keeps open six drainage outlets which deliver stream and strormwater runoff to the Pacific Ocean in Orange County. These outlets routinely are blocked by sand during winter storms, creating seasonal lagoons that are subject to oxygen depletion in the summer. This in turn causes biological impacts, including fish kills. It also leads to odors and other aesthetic impacts to the waterways. The maintenance program maintains the drainage openings to prevent these conditions. Maintenance primarily involves sand removal and – at one site - re-setting of displaced rock rip-rap. This program has continued for many years under two previous certifications (2003, 2009). Improved mitigation measures are incorporated into this new application, which is supported by a new Mitigated Negative Declaration. Under this general certification, the applicant will provide notice to the State Water Board and affected Regional Water Boards before commencement of each individual permitted maintenance activity.

Location	
City:	Huntington Beach, Dana Point, San Clemente
County:	Orange
Cross Streets:	see directions below.
Section, Township, Range:	na
Zip code:	see directions below
Directions:	**Six Sites in Orange County:** <u>Santa Ana Region:</u> 1. Santa Ana River Outlet, near Pacific Coast Hwy, south of Brookhurst St. in Huntington Beach; zip 92646. 2. Talbert Channel Outlet, near Pacific Coast Hwy., south of Brookhurst St. in Huntington Beach; zip 92646. <u>San Diego Region:</u> 3. Segunda Deshecha Canada Ocean Outlet, near Avenida Estacion and Calle Deshecha, in San Clemente; zip 92672. 4. Estrella Storm Channel, off Beach Rd., in Dana Point. Zip 92624. 5. North Doheny Creek at Doheny State Beach, near Dana Point Harbor off Puerto Place, in Dana Point; zip 92629. 6. Salt Creek, at Salt Creek Beach Park off Pacific Coast Hwy., in Dana Point; zip 92629.

Water Boards

Latitude(s) and Longitude(s):	1. Santa Ana River Outlet: 33.630915 / -117.957802 2. Talbert Channel Outlet: 33.63263 / -117.961578 3. Segunda Deshecha: 33.432802 / -117.63466 4. Estrella Storm Channel: 33.45146 / -117.662287 5. North Doheny Creek: 33.461556 / -117.689195 6. Salt Creek: 33.480959 / -117.724771

Public Notice

Water Board Public Notice: Information regarding this project was noticed on the State Water Board's website from February 27, 2012 until May 31, 2012.

_X_ No Comments were received. _____ Comments were responded to in writing.

Fees

Application Fee Provided: A certification fee of $640.00 (deposit) was submitted on March 15, 2011 as required by 23 CCR §3833b(2)(A) and by 23 CCR § 2200(e). An additional fee of $23,308.00 to offset additional design impacts was received on May 14, 2012 as required by 23 CCR §3833b(2)(A) and by 23 CCR § 2200(e).

Hydrologic Information

Receiving Water(s):	**Pacific Ocean**
Hydrologic Unit(s):	**Santa Ana Region: Pacific Ocean and Nearshore:** **San Gabriel River to Poppy Street/Corona Del Mar: 801.1** **Santa Ana River Salt Marsh: 801.11 (indirect)** **San Diego Region (All in San Juan Hydrologic Unit, 1.00)** **1.14 Dana Point Sub-unit (Salt Creek and North Doheny Creek)** **1.27 Lower San Juan Sub-unit (Estrella)** **1.32 Segunda Descheda Sub-unit**
Water Body Type(s):	**Ocean/beach/estuary**

Designated Beneficial Use(s)

x	AGR	x	COMM		FRSH	x	MIGR	x	RARE	x	SPWN		
x	AQUA		CUL		GWR		MUN	x	REC-1	x	WARM		
	ASBS	x*	EST	x	IND	x	NAV	x	REC-2		WET		
x	BIOL		FISH		LWRM		POW		SAL	x	WILD		
x	COLD		FLD	x	MAR		PRO	x	SHELL		WQE		

Note: Not all designated beneficial uses occur in all affected Hydrologic Units.
*Although not designated, some sites may also provide Estuarine beneficial uses.

Candidate, Sensitive, or Special Status Species

Snowy plover (Charadrius alexandrinus nivosus) Federal Threatened
California least tern (Sternula antillarum browni) Federal and State Endangered
California grunion (Leuresthes tenuis) California Department of Fish and Game restricted species

Water Boards

Other Permits/Licenses/Agreements/Plans
Federal (Type and Permit/License Number):
U.S. Army Corps of Engineers Regional General Permit 46 (Corps file no. SPL-2010-00868-SME) (Rivers and Harbors act Section 10 permit may also be required).
State (Type and Permit/License/Agreement Number):
California Coastal Commission, South Coast District – Coastal Development Permit no. CDP02-02 Department of Fish and Game – Section 1602 Stream Alteration Agreement (November 7, 2010)
Other County, City, etc. (Type and Permit/License Number):
None listed with application.
Any Required Documents or Plan Submittals (SWPPP, Mitigation & Monitoring, etc.)
Enrollment under the Stormwater Construction General Permit may be required.

NEPA and/or CEQA Compliance	
Document Type:	Mitigated Negative Declaration – Notice of Intent
Lead Agency:	OCPW
Date Completed:	January 6, 2012
State Clearinghouse Number:	2012011000

IMPACTS
Describe Potential Water Quality Impacts:
RGP 46 primarily removes accumulated sediment and beach sand from channel outlets (usually in Spring or early summer) and either spreads the sand out on adjacent beaches or disposes of the material off site. Potential water quality impacts arise from operation of heavy equipment in proximity to channels and ocean water. Dredge area for each of the six sites are estimated as: 1. Santa Ana River Outlet: 1.7222 acre (ac.) 2. Talbert Channel Outlet, 3.640 ac. 3. Segunda Deshecha: 0.060 ac. 4. Estrella Storm Channel, 0.055 ac. 5. North Doheny Creek 0.080 ac. 6. Salt Creek 0.294 ac. Volume of fill material (cubic yards) varies by site and maintenance event. Area of sand disposal is not counted as additional impact area for the purposes of this certification.

Water Boards

Final Project Impacts (Fill)*						
Water Body Type	Permanent			Temporary		
	Acres**	Linear Feet	Cubic Yards	Acres**	Linear Feet	Cubic Yards
Lake						
Ocean						
Riparian						
Streambed						
Vernal Pool						
Wetland						

* Include all three measurements (acres, linear feet and cubic yards) for all federal and non-federal water body types.
** Provide acres to three decimal places (e.g., 0.006).

Final Project Impacts (Dredge*/Excavation)**						
Water Body Type	Permanent			Temporary		
	Acres***	Linear Feet	Cubic Yards	Acres***	Linear Feet	Cubic Yards
Lake						
Ocean				5.859	1160	****
Riparian						
Streambed						
Vernal Pool						
Wetland						

* For projects that will occur annually please provide the total volume to be dredged for the entire certification period (typically 5 years).
** Include all three measurements (acres, linear feet and cubic yards) for all federal and non-federal water body types.
*** Provide acres to three decimal places (e.g., 0.006)
****Cubic yards for each of the six sites will vary depending on annual deposition. Required notifications will include Cubic Yard data.

Impact Comparison*								
	Fill				Dredge			
	Permanent		Temporary		Permanent		Temporary	
	Initial	Final	Initial	Final	Initial	Final	Initial	Final
*Impacts (Acres)***							5.9	5.9

* Include impacts to both federal and non-federal waters.
** Provide acres to three decimal places (e.g., 0.006).

Water Board

MITIGATION
Describe Avoidance and Minimization for Impacts to Waters:
Avoidance and minimization measures, which are fully described in the OCPW Ocean Outlets Maintenance Program Manual, include: Spill prevention measures; seasonal operation windows for avoidance of wildlife and fish impacts; training of workers in the mitigation measures, and; on-site water quality monitoring
Describe Compensatory Mitigation for Impacts to Waters (temporary and permanent):
No compensatory mitigation is required

Compensatory Mitigation (Proponent Provided)								
Water Body Type	Acres Established		Acres Restored		Acres Enhanced		Acres Preserved	
	Temp.*	Perm.	Temp.*	Perm.	Temp.*	Perm.	Temp.*	Perm.
Lake								
Ocean								
Riparian								
Streambed								
Vernal Pool								
Wetland								

* Report as mitigation for temporary impacts at a 1:1 ratio any required conditions to restore the site (e.g., re-vegetating or re-contouring).

Compensatory Mitigation (Mitigation Bank)				
Water Body Type	Acres Established	Acres Restored	Acres Enhanced	Acres Preserved
Lake				
Ocean				
Riparian				
Streambed				
Vernal Pool				
Wetland				

Compensatory Mitigation (In-Lieu)				
Water Body Type	Acres Established	Acres Restored	Acres Enhanced	Acres Preserved
Lake				
Ocean				
Riparian				
Streambed				
Vernal Pool				
Wetland				

Water Boards

Proponent Provided Mitigation Information (If Applicable)*		
	Site 1	Site 2
Mitigation Site Location(s):		
Mitigation Site Lat/Long(s):		
Name of Watershed & Hydrologic Unit:		
Mitigation Site City and County:		
*If more than two sites, please provide additional information in the additional information table located at the end of this form.		

Mitigation Bank Information (If Applicable)*		
	Bank 1	Bank 2
Mitigation Bank Name:		
Name of Mitigation Bank Operator:		
Address of Mitigation Bank Office:		
Mitigation Bank Location(s):		
Mitigation Bank Lat/Long(s):		
Name of Watershed and Hydrologic Unit:		
Mitigation Bank City and County:		
Mitigation Purchase Amount ($):		
*If more than two sites, please provide additional information in the additional information table located at the end of this form.		

In-Lieu Mitigation Information (If Applicable)*		
	Program 1	Program 2
Name of Approved In-Lieu Fee Mitigation Sponsor:		
Address of In-Lieu Mitigation Sponsor:		
Description of In-Lieu Mitigation Arrangements:		
In-Lieu Mitigation Location:		
In-Lieu Mitigation Lat/Long(s):		
In-Lieu Mitigation City and County:		
Name of Watershed and Hydrologic Unit:		
*If more than two sites, please provide additional information in the additional information table located at the end of this form.		

Additional Mitigation Information (Proponent, Bank, or In-Lieu)		
	Site 1	Site 2
Mitigation Site Name:		
Name of Mitigation Site Operator:		
Address of Mitigation Site Office:		
Mitigation Site Location(s):		
Mitigation Site Lat/Long(s):		
Name of Watershed and Hydrologic Unit:		
Mitigation Site City and County:		
Mitigation Purchase Amount ($):		

Water Quality Certification

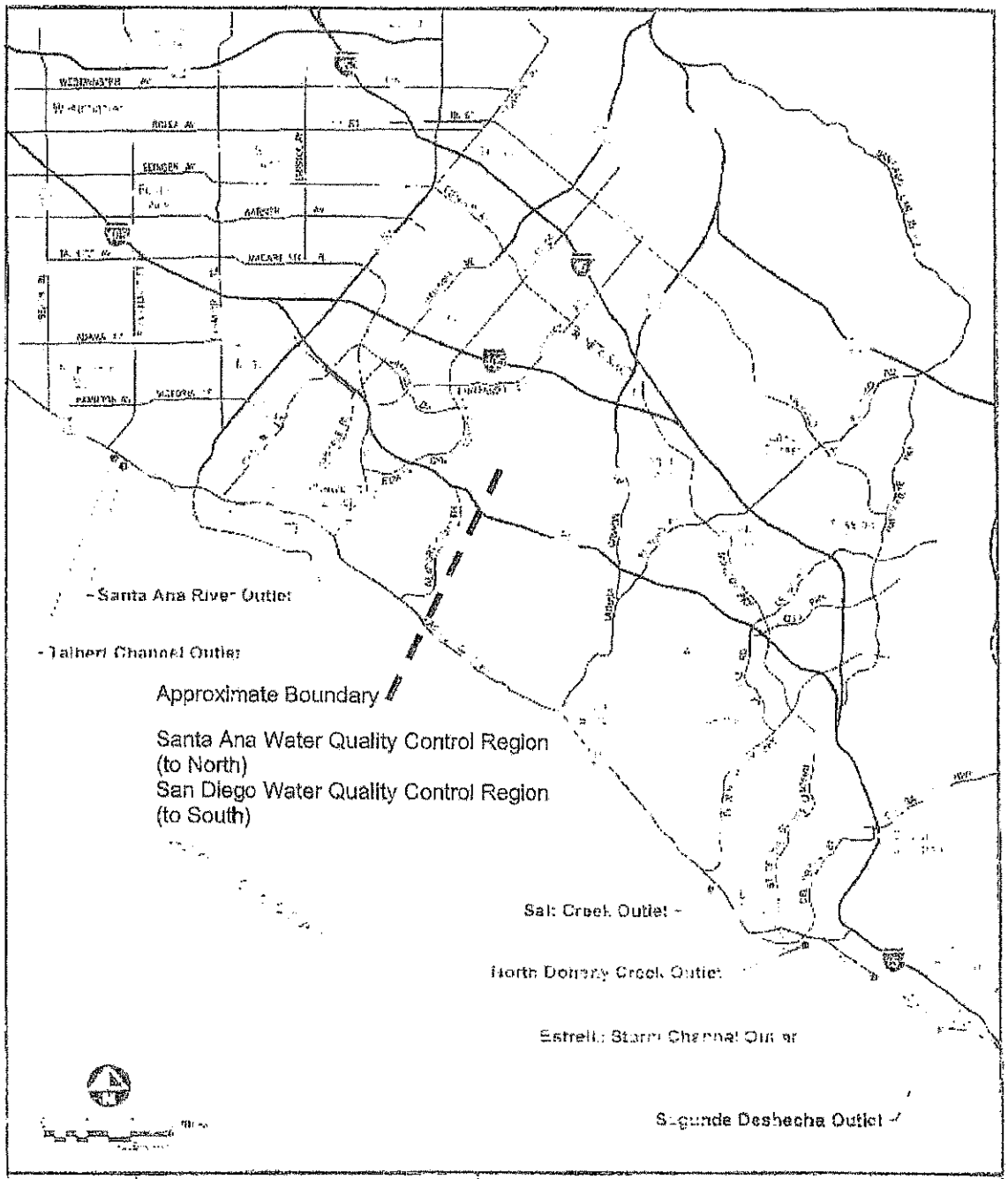
for

Orange County Ocean Outlets Maintenance Program

Attachment C

Location Map Orange County Ocean Outlets

Attachment C: Project Area Map for RGP 74 –
Orange County Ocean Outlet Maintenance Program
(Source: Orange County Public Works Ocean Outlet Maintenance Manual, June, 2010)



Orange County Public Works	SCALE: 1 inch = 2 miles	FIGURE 1
Ocean Outlet Maintenance Manual		Vicinity Map

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

AMENDMENT TO COASTAL DEVELOPMENT PERMIT

March 17, 2011

Coastal Development Permit Amendment No. 5-02-031-A4

Permit Number 5-02-031 issued to **Orange County Department of Public Works** for:

Implementation of an ocean outlet maintenance program at ocean outlet locations throughout Orange County

at: **Ocean Outlet Locations through Orange County** has been amended to include the following change:

A five (5) year time extension to allow maintenance at six (6) ocean outlets as described in the "Ocean Outlet Maintenance Manual" until July 2016. Previously, there were seven (7) ocean outlets to be maintained, but it has now been reduced to six (6). No changes are proposed to the actual maintenance activities.

This amendment will become effective upon return of a signed copy of this form to the Commission office. Please note that the original permit condition unaffected by this amendment are still effect.

PETER M. DOUGLAS
Executive Director

By: Fernie Sy
Title: Coastal Program Analyst

ACKNOWLEDGMENT

I have read and understand the above permit and agree to be bound by the conditions as amended of **Coastal Development Permit 5-02-031.**

Date: _____ Signature _____

Attachment B

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road, Suite 101
Carlsbad, California 92011

In Reply Refer To:
FWS-OR-12B0178-12I0599

OCT 16 2012

Colonel R. Mark Toy
District Engineer, Los Angeles
U.S. Army Corps of Engineers
P.O. Box 532711
Los Angeles, California 90053

Attention: Stephen Estes

Subject: Informal Section 7 Consultation for the Orange County Public Works Ocean Outlets Maintenance Program, Cities of Huntington Beach, Dana Point, and San Clemente, Orange County, California

Dear Colonel Toy:

This is in response to your correspondence, dated March 13, 2012, requesting our concurrence that the Orange County Public Works Ocean Outlets Maintenance Program (Maintenance Program) located within the cities of Huntington Beach, Dana Point, and San Clemente, California, is not likely to adversely affect the federally endangered California least tern (*Sternula antillarum browni*; least tern) and the federally threatened western snowy plover (*Charadrius nivosus nivosus*; snowy plover) and its critical habitat in accordance with section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*). We understand that the U.S. Army Corps of Engineers (Corps) will be issuing a Regional General Permit (RGP) 46 to authorize impacts to waters of the United States resulting from the proposed project.

The proposed program will consist of ongoing yearly maintenance to six ocean outlets. These outlets include the Talbert channel outlet (Talbert outlet) and Santa Ana River outlet (SAR outlet) in Huntington Beach, the Salt Creek outlet and North Doheny Creek outlet (Doheny outlet) in Dana Point, and the Estrella storm channel outlet (Estrella storm channel) and Sequnda Deschecha outlet (SD outlet) in San Clemente. Twice annual maintenance at the Talbert outlet will occur over an approximately 2 week period during which sediment will be removed within the outlet in order to create a channel depth of approximately 10 feet and then the sediment discharged over about an 11-acre area of the adjacent beach. At the SAR outlet twice annual maintenance will occur over an approximately 1 week period during which sediment will be removed within the outlet in order to create a channel depth of approximately 23 feet and then the sediment will be discharged over about a 4.5-acre area of the adjacent beach. The Salt Creek outlet maintenance will occur once in the spring during which rock protection at the outlet will be restored if a scour hole is observed. Minor maintenance, including retrieval and re-

Attachment C

establishment of displaced rock materials may occur year-round. Doheny outlet maintenance will occur twice annually. Maintenance activities will include construction of a sediment berm across the upstream portion of the outlet during the spring and the removal of the sediment during the fall. Estrella storm channel will receive twice annual maintenance over about a 2 week period. Tidal flow will be re-established by excavating accumulated sediment from the outlet to the 4-foot design depth. Sediment will be discharged over an approximate 0.14-acre area of the adjacent beach. At the SD outlet, twice-annual maintenance events will each occur over about 4 days during which accumulated sediment from the outlet will be excavated to the 4-foot design depth. Sediment will be discharged over an approximate 0.08-acre area of the adjacent beach.

The least tern and snowy plover are known to occur within the project sites and may be using coastal beach habitat within and immediately adjacent to the project sites. The following conservation measures have been incorporated into the project design to minimize and avoid potential impacts to the least tern and the snowy plover:

1. The project boundaries will be clearly marked with temporary fencing prior to the use of mechanized equipment each day to minimize the likelihood of unanticipated impacts to least terns, snowy plovers and their habitats. A qualified biologist[1] will ensure that no least terns or snowy plovers are present along the ingress and egress beach route or within the fenced construction area prior to the start of construction activities each day. All project-related activities will occur within the project boundary.

2. Maintenance activities will take place outside of the snowy plover breeding season (March 1 to August 31) to the maximum extent practicable. If breeding season avoidance is not practicable, a qualified biologist will conduct surveys prior to maintenance activities. If snowy plovers are observed exhibiting nesting behaviors (scraping, territorial displays or calls, false brooding, etc.) during the breeding season, no project-related activities will occur within 500 feet of these areas until subsequent monitoring indicates that snowy plovers are no longer present. If snowy plovers are not observed exhibiting nesting behaviors but are roosting within 500 feet of the project footprint, a qualified biologist will be onsite at all times during any maintenance activities that require mechanized equipment. The qualified biologist will have the ability to halt maintenance activities, if necessary, to avoid unanticipated impacts to the snowy plover. If snowy plovers nest within 0.2 mile of the project site, then the Corps will contact the Carlsbad Fish and Wildlife Office (CFWO) to determine if additional consultation is necessary.

3. If maintenance activities will take place outside of the snowy plover breeding season, a qualified biologist will conduct wintering snowy plover surveys prior to maintenance activities. If wintering snowy plovers are present within 500 feet of the project footprint, then a qualified biologist should be onsite at all times that mechanized equipment is

[1] The qualified biologist for this measure will be a trained ornithologist with at least 40 hours of supervised experience locating snowy plovers and least terns and mapping their locations in the field.

required. The qualified biologist will have the ability to halt maintenance activities, if necessary, to avoid unanticipated impacts to the snowy plover.

4. Maintenance activities will take place outside of the least tern breeding season (April 15 to August 31) to the maximum extent practicable. If breeding season avoidance is not practicable, a qualified biologist will conduct surveys prior to maintenance activities. If least terns are observed exhibiting nesting behaviors (scraping, territorial displays or calls, etc.) during the breeding season, no project-related activities will occur within 500 feet of these areas until subsequent monitoring indicates that least terns are no longer present. If least terns are not observed exhibiting nesting behaviors but are roosting or staging within 500 feet of the project footprint, a qualified biologist will be onsite at all times during any maintenance activities that require mechanized equipment. The qualified biologist will have the ability to halt maintenance activities, if necessary, to avoid unanticipated impacts to the least tern. If least tern nests are located within 500 feet of the project site, then the Corps will contact the CFWO to determine if additional consultation is necessary.

5. Within 30 days of completing maintenance activities, a monitoring report will be submitted to the Service notifying that maintenance has been completed. This report will document the length of time that maintenance activities were conducted, a general description of the nature of the maintenance activities, number and location of least terns or snowy plovers in the area, and observed effect of construction activities on least terns or snowy plovers.

6. Dredging sediment associated with the Talbert and SAR outlets will be placed as far from the Huntington Beach least tern preserve as practical and will not be placed within the swash zone of the beach.

7. All mechanized equipment will enter and exit the project sites at a single point.

8. All equipment will be staged and serviced in the identified staging areas. No long-term storage of equipment will occur onsite, and no maintenance materials, debris, or waste will be placed or stored where they may be subject to water, wind, rain, or erosion. Any and all debris resulting from maintenance activities will be removed from the project site each day that work occurs to prevent debris from inadvertently entering coastal waters.

With the implementation of the above measures, maintenance activities may result in temporary minor disturbances to snowy plovers and least terns. However, this disturbance will occur over a short period of time (up to 14 days) and is not anticipated to substantially disrupt essential behaviors such as foraging and dispersal. Additionally, although up to about 15 acres of snowy plover habitat and up to about 3.64 acres of least tern foraging habitat will be temporarily unavailable for use during maintenance activities, this will occur no more than two times a year, sufficient adjacent habitat will remain available for use during maintenance activities, and temporarily impacted habitat will be available upon completion of project activities. Therefore,

we concur that the proposed project is not likely to adversely affect the snowy plover or the least tern.

Based on our concurrence that the proposed project is not likely to adversely affect the least tern or the snowy plover, the interagency consultation requirements of section 7 of the Act have been satisfied. Although this ends informal consultation, obligations under section 7 of the Act shall be reconsidered if (1) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not previously considered, (2) this action is subsequently modified in a manner that was not considered in this assessment, or (3) a new species is listed or critical habitat designated that may be affected by the action.

We appreciate your coordination on this project. If you have any questions regarding this letter, please contact Katy Kughen at 760-431-9440, extension 201.

Sincerely,

for Karen A. Goebel
Assistant Field Supervisor

cc:
Rory Paster (OC Public Works)

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road, Suite 101
Carlsbad, California 92011

In Reply Refer To:
FWS-OR-12B0178-13TA0156

MAR 06 2013

Colonel R. Mark Toy
District Engineer, Los Angeles
U.S. Army Corps of Engineers
P.O. Box 532711
Los Angeles, California 90053

Attention: Stephen Estes

Subject: Modification of Informal Section 7 Consultation on the Orange County Public Works Ocean Outlets Maintenance Program, Cities of Huntington Beach, Dana Point, and San Clemente, Orange County, California

Dear Colonel Toy:

We received your letter dated, March 13, 2012, requesting our concurrence that the Orange County Public Works Ocean Outlets Maintenance Program (Maintenance Program) located within the cities of Huntington Beach, Dana Point, and San Clemente, California is not likely to adversely affect the federally endangered California least tern (*Sternula antillarum browni*, least tern) and the federally threatened western snowy plover (*Charadrius nivosus nivosus*, snowy plover) and its critical habitat in accordance with section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*).

In our analysis of the proposed Orange County Public Works Ocean Outlets Maintenance Program (FWS-OR-12B0178-12I0599), we did not analyze a second maintenance activity at the Talbert channel outlet (Talbert outlet) in Huntington Beach. In addition to the twice annual maintenance, the Maintenance Program also proposes to conduct maintenance activities to re-establish tidal flow if the Talbert outlet becomes blocked or sediment levels are large enough that tidal flow is imminently in risk of becoming blocked. Because the Talbert outlet is the only source for tidal flow into the wetlands above it, unrestricted tidal flow is necessary to maintain the health of the wetlands. Tidal flow will be re-established by excavating accumulated sediment from the outlet. Sediment will be discharged over an approximately 5 acre area of the adjacent beach. Blocked outlet work is estimated to take 1 to 2 days with a conservative maximum of no more than 1 week to complete. Outlet blockage removal could occur year-round, but it will only occur on an as-needed basis.

Attachment D

The least tern and snowy plover are known to occur within the project sites and may be using coastal beach habitat within and immediately adjacent to the project sites. The following additional conservation measure has been incorporated into the project design to minimize and avoid potential impacts to the least tern and the snowy plover:

1. If more than two outlet blockage removal events a year are necessary at the Talbert outlet (in addition to the two maintenance events), then the Corps will contact the Service to analyze if additional conservation measures are needed.

With the implementation of the proposed conservation measures, maintenance activities may result in temporary minor disturbances to snowy plovers and least terns. However, this disturbance will occur over a short period of time (up to 14 days) and is not anticipated to substantially disrupt essential behaviors such as foraging and dispersal. Additionally, although up to about 15 acres of snowy plover habitat and up to about 3.64 acres of least tern foraging habitat will be temporarily unavailable for use during maintenance activities, this will occur no more than two times a year (SAR, Salt, Doheny, SD, and Estrella outlets) and no more than four times a year at Talbert outlet, and sufficient adjacent habitat will remain available for use during maintenance activities, and temporarily impacted habitat will be available upon completion of project activities. Therefore, we concur that the proposed project is not likely to adversely affect the snowy plover or the least tern.

Based on our concurrence that the proposed project is not likely to adversely affect the least tern or the snowy plover, the interagency consultation requirements of section 7 of the Act have been satisfied. Although this ends informal consultation, obligations under section 7 of the Act shall be reconsidered if (1) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not previously considered, (2) this action is subsequently modified in a manner that was not considered in this assessment, or (3) a new species is listed or critical habitat designated that may be affected by the action.

We appreciate your coordination on this project. If you have any questions regarding this letter, please contact Katy Kughen at 760-431-9440, extension 201.

Sincerely,

for Karen A. Goebel
Assistant Field Supervisor

cc:
Rory Paster (OC Public Works)

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

OCT 22 2012

Mr. Nardy Khan
Orange County Public Works
300 North Flower Street
Santa Ana, CA 92702

Dear Mr. Khan:

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR THE ORANGE COUNTY PUBLIC WORKS ORANGE COUNTY OCEAN OUTLETS MAINTENANCE PROGRAM (FILE NO. SB11002IN)

Orange County Public Works Department submitted an application for a Clean Water Act section 401 water quality certification (Certification) for the Orange County Ocean Outlets Maintenance Program on March 24, 2011. The application was found to be complete on May 14, 2012.

The Orange County Ocean Outlets Maintenance Program provides routine and ongoing maintenance activities for six ocean outlets at various specified locations in Orange County. The U.S. Army Corps of Engineers (Corps) issued Regional General Permit number 46 for these (Corps file no. SPL-2010-00868-SME) activities on November 23, 2003, and reissuance is currently pending.

State Water Resources Control Board staff reviewed all information submitted regarding the maintenance activities, proposed water quality protection measures, and mitigation requirements. Consultations were conducted with the Santa Ana Regional Water Quality Control Board, San Diego Regional Water Quality Control Board, and the Corps.

Pursuant to the California Code of Regulations title 23, section 3838, I hereby make the Certification determination described in the enclosure. Attachments A through C of the enclosure are also part of this Certification.

If you require further assistance, please contact Cliff Harvey, the staff person most knowledgeable on the subject, at (916) 558-1709 (charvey@waterboards.ca.gov). You may also contact Bill Orme, Chief of the 401 Certification and Wetlands Protection Unit, at (916) 341-5464 (borme@waterboards.ca.gov).

Sincerely,

Thomas Howard

Thomas Howard
Executive Director

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR THE ORANGE COUNTY OCEAN OUTLETS MAINTENANCE PROGRAM – U.S. ARMY CORPS OF ENGINEERS LOS ANGELES DISTRICT REGIONAL GENERAL PERMIT 46
FILE NO. SB11002IN

PROJECT: Orange County Ocean Outlets Maintenance Program
U.S. Army Corps of Engineers Los Angeles District Regional General Permit 46
(SPL-2010-00868-SME)

APPLICANT: Mr. Nardy Kahn
Orange County Public Works
300 North Flower Street
Santa Ana, CA 92702-4048

This Clean Water Act section 401 water quality certification (Certification) responds to your request on behalf of Orange County Public Works (OCPW) for the project. Your application was received on March 15, 2011. Public notice of the application was posted on the State Water Resources Control Board's (State Water Board) Web site on February 29, 2012. Your application was determined to be complete on May 14, 2012.

ACTION:

- ☐ Order for Standard Certification
- ☑ Order for Technically Conditioned Certification
- ☐ Order for Denial of Certification
- ☐ Order for Waiver of Waste Discharge Requirements

AUTHORIZATION:

On March 15, 2011, the State Water Board received an application from OCPW requesting a Certification for activities related to the Regional General Permit 46 (RGP 46) for the Orange County Ocean Outlets Maintenance Program (Program) The maintenance activities for each location are described in OCPW's Ocean Outlets Maintenance Manual (OOM Manual).

The Program was originally certified on November 19, 2003. That Certification was extended

3. This Certification is conditioned upon total payment of any fee required under California Code of Regulations, title 23, and owed by OCPW.

ADMINISTRATIVE CONDITIONS:

4. The State Water Board reserves the right to suspend, cancel, or modify and reissue this Certification, after providing notice to OCPW and/or responsible contractor/sub-contractor, if the State Water Board determines that the project or any activities conducted pursuant to this Certification fail to comply with any of the terms or conditions of this Certification or any State Water Board or Regional Board water quality plan or policy.

5. A copy of this Certification, the application, and supporting documentation must be available at project sites during construction for review by site personnel and agencies. All personnel performing work on the projects shall be familiar with the content of this Certification and its posted location on the project sites.

6. OCPW shall grant the State Water Board, the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) and San Diego Regional Water Quality Control Board (San Diego Water Board) staff(s), or their authorized representative(s), upon presentation of credentials and other documents as may be required by law, permission to enter the project site(s) at reasonable times, to ensure compliance with the terms and conditions of this Certification and/or to determine the impacts the project activities may have on waters of the state.

7. In response to any violation of the conditions of this Certification, the State Water Board may amend this Certification as appropriate to ensure compliance.

ADDITIONAL CONDITIONS:

8. This Certification does not apply to any project associated with any diversion of water for domestic, irrigation, industrial or other beneficial use.

9. All conditions of RGP 46 (SPL-2010-00868-SME) shall be in effect for this Certification and are incorporated by reference into this Certification, except as modified in the conditions below.

10. All activities conducted under this Certification shall comply with all reporting, monitoring, Best Management Practices (BMPs), and all other conditions and specifications of the August 2012 OOM Manual (or subsequent revisions as approved by the State Water Board), and the associated Initial Study and Mitigated Negative Declaration (IS/MND).

11. This Certification does not obviate the need to obtain other permits that may be required by federal, state, and local authorities.

12. Ocean outlet maintenance at the Salt Creek outlet will occur within and adjacent to the boundaries of Dana Point State Marine Conservation Area. The permitted activity shall

affected by the equipment or materials. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall be conducted in designated upland areas outside of waters of the state and shall not result in a discharge or a threatened discharge to waters of the state.

e. All work areas shall be effectively isolated from stream flows using suitable control measures before commencement of any in-water work. Diverted stream flows shall not be contaminated by construction activities.

f. All areas disturbed by project activities shall be protected from washout and erosion.

g. When a project is completed, any excess material or debris shall be removed from the work area and disposed of properly.

Notification and Reporting

19. **Pre-Construction:** A pre-construction notification as described in Appendix G-2 of the OOM Manual shall be sent to the State Water Board, and either the Santa Ana Water Board and/or the San Diego Water Board, as appropriate, at the addresses shown.

    Notification shall be provided no later than 30 days prior to commencing ocean outlet maintenance activities that may affect waters of the state. The notification fee as published by the State Water Board shall be provided by OCPW pursuant to California Code of Regulations, title 23, section 2200. Notifications must indicate which project site(s) will be affected, the expected schedule of activity, and any new information or proposed modifications to the work plans presented in the OOM Manual.

    The State Water Board and Regional Water Board(s) Executive Officer or designee reserve the authority to request additional information or exclude an individual project from coverage under this Certification.

20. **Annual Reports:** Copies of the annual report, which is to be provided to the Corps by February 1 of each year for the life of the project, shall also be provided to the State Water Board and the Regional Water Boards.

21. **Violations:** OCPW or the OCPW's contractor and subcontractors shall report in writing to the staff of the State Water Board and the appropriate Regional Water Board(s) all violations of any terms or conditions of this Certification within two consecutive days (48 hours) from the time the Orange County becomes aware of the violation. The written report shall contain:

    a. A description of the violation and its cause.

    b. The period of the violation event, including dates and times, photos of the site, and if the violation has not been corrected, the anticipated time the violation is expected to continue.

    c. Steps taken or planned to reduce, eliminate, and prevent recurrence of the violation.

proposed mitigation measures as presented in the OCPW OOM Manual of August, 2012 (which serves as a Mitigation Monitoring and Reporting Plan or MMRP).

Changes or alterations have been required in, or incorporated into the project, which avoid or substantially lessen the significant water quality effects as identified in the MND. However, State Water Board staff finds that minor clarifications and corrections are needed.

IS/MND Errors and Omissions

Section 1, Introduction (p. 28) of the IS/MND contains two minor inaccuracies regarding regulatory jurisdiction, which are corrected as follows:

1. The State Water Board, not any one Regional Water Board is responsible for the Certification of this programmatic project because the proposed activities would take place in two water quality control regions separately administered by the Santa Ana Water Board and San Diego Water Board.

2. The document should state, but does not, that the San Diego Water Board sets water quality standards for their region.

Disagreement with IS/MND Findings

The IS/MND indicates "no impact" for two environmental issues:

1. Part 3.4(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (p. 63)

2. Part 3.4(c) Have a substantial adverse effect on federally protected wetlands as defined by section 404 of the Clean Water Act (*including, but not limited to, marsh, vernal pool, coastal, etc.)* through direct removal, filling, hydrological interruption, or other means? (p. 73)

The IS/MND does not consider the waters of the state associated with the resources issues highlighted in Part 3.4(b) and (c) which could potentially be affected by the project. The lead agency's determination of "No Impact" for Impacts 3.4(b) and 3.4(c) may therefore not be appropriate. Due to this omission, the State Water Board staff made the determination for Part 3.4(b) and (c) of "Less Than Significant With Mitigation" for impacts to waters of the state. The mitigation measures described for Impact 3.4(a) will also address these potential impacts to non-wetland waters for 3.4(b) and (c). In addition, Section 3.9(c) adequately addresses mitigation to offset potential impacts due to the physical effects of alteration of the channels.

In addition, the IS/MND indicates "No Impact" for Part 3.4(c) – Impacts to changes in pool elevations. The discussion in this section correctly notes that wetlands as defined by the federal Clean Water Act are not present at the site of the excavations, but that such wetlands exist upstream from the ocean outlets to be maintained and could be affected by changes in the pool elevation caused by the proposed maintenance. Based on the discussion of project purposes and project impacts provided in the IS/MND, there is little potential to cause any significant impacts to these wetlands. However, the IS/MND's determination of "No Impact" is probably not

Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards). This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Certification to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Act (Wat. Code § 13000 et seq.). Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of the Certification and the attachments to this Certification, and (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, the pertinent Regional Water Boards' Water Quality Control Plans and the project IS/MND.

Thomas Howard
Executive Director

10/22/2012
Date

Attachments (3): Attachment A: Signatory Requirements
Attachment B: Project Information Sheet
Attachment C: Location Map – Orange County Ocean Outlet

Water Quality Certification

for

Orange County Ocean Outlets Maintenance Program

Attachment A

Signatory Requirements

Orange County Ocean Outlets Maintenance Program
Attachment A

SIGNATORY REQUIREMENTS

All Documents Submitted In Compliance With This Order Shall Meet The Following Signatory Requirements:

1. All applications, reports, or information submitted to the State Water Resources Control Board (State Water Board) must be signed and certified as follows:

   (a) For a corporation, by a responsible corporate officer of at least the level of vice-president.

   (b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.

   (c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

2. A duly authorized representative of a person designated in Items 1.a through 1.c above may sign documents if:

   (a) The authorization is made in writing by a person described in Items 1.a through 1.c above.

   (b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.

   (c) The written authorization is submitted to the State Water Board Executive Director.

3. Any person signing a document under this section shall make the following certification:

   "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Water Quality Certification

for

Orange County Ocean Outlets Maintenance Program

Attachment B

Project Information Sheet

Water Boards

Project Identifiers	
WDID No:	110002IN
Reg. Meas. ID:	
Place ID:	
Party ID:	
USACOE No:	SPL-2010-00868-SME
Other File No:	State Clearinghouse 2012011000

PROJECT INFORMATION

Details

Application Received Date:	March 9, 2009
Application Completed Date:	May 14, 2012
Additional Info Completed Date:	May 14, 2012
Applicant:	Orange County Public Works Department (OCPW)
Applicant Representative(s):	Ms. Nardy Kahn and Mr. Rory Paster
Project Title:	Ocean Outlets Maintenance Program – RGP 46
Regulating Water Board:	State Water Board, San Diego and Santa Ana RWQCBs
Type of Project:	General Permit for Maintenance of Ocean Outlets.

Project Description:

OCPW (applicant) proposes the continuation of a routine maintenance program which keeps open six drainage outlets which deliver stream and strormwater runoff to the Pacific Ocean in Orange County. These outlets routinely are blocked by sand during winter storms, creating seasonal lagoons that are subject to oxygen depletion in the summer. This in turn causes biological impacts, including fish kills. It also leads to odors and other aesthetic impacts to the waterways. The maintenance program maintains the drainage openings to prevent these conditions. Maintenance primarily involves sand removal and – at one site - re-setting of displaced rock rip-rap. This program has continued for many years under two previous certifications (2003, 2009). Improved mitigation measures are incorporated into this new application, which is supported by a new Mitigated Negative Declaration. Under this general certification, the applicant will provide notice to the State Water Board and affected Regional Water Boards before commencement of each individual permitted maintenance activity.

Location

City:	Huntington Beach, Dana Point, San Clemente
County:	Orange
Cross Streets:	see directions below.
Section, Township, Range:	na
Zip code:	see directions below
Directions:	**Six Sites in Orange County:** Santa Ana Region: **1.** Santa Ana River Outlet, near Pacific Coast Hwy, south of Brookhurst St. in Huntington Beach; zip 92646. **2.** Talbert Channel Outlet, near Pacific Coast Hwy., south of Brookhurst St. in Huntington Beach; zip 92646. San Diego Region: **3.** Segunda Deshecha Canada Ocean Outlet, near Avenida Estacion and Calle Deshecha, in San Clemente; zip 92672. **4.** Estrella Storm Channel, off Beach Rd., in Dana Point. Zip 92624. **5.** North Doheny Creek at Doheny State Beach, near Dana Point Harbor off Puerto Place, in Dana Point; zip 92629. **6.** Salt Creek, at Salt Creek Beach Park off Pacific Coast Hwy., in Dana Point; zip 92629.

Water Boards

Other Permits/Licenses/Agreements/Plans
Federal (Type and Permit/License Number):
U.S. Army Corps of Engineers Regional General Permit 46 (Corps file no. SPL-2010-00868-SME) (Rivers and Harbors act Section 10 permit may also be required).
State (Type and Permit/License/Agreement Number):
California Coastal Commission, South Coast District – Coastal Development Permit no. CDP02-02 Department of Fish and Game – Section 1602 Stream Alteration Agreement (November 7, 2010)
Other County, City, etc. (Type and Permit/License Number):
None listed with application.
Any Required Documents or Plan Submittals (SWPPP, Mitigation & Monitoring, etc.)
Enrollment under the Stormwater Construction General Permit may be required.

NEPA and/or CEQA Compliance	
Document Type:	Mitigated Negative Declaration – Notice of Intent
Lead Agency:	OCPW
Date Completed:	January 6, 2012
State Clearinghouse Number:	2012011000

IMPACTS
Describe Potential Water Quality Impacts:
RGP 46 primarily removes accumulated sediment and beach sand from channel outlets (usually in Spring or early summer) and either spreads the sand out on adjacent beaches or disposes of the material off site. Potential water quality impacts arise from operation of heavy equipment in proximity to channels and ocean water. Dredge area for each of the six sites are estimated as: 1. Santa Ana River Outlet: 1.7222 acre (ac.) 2. Talbert Channel Outlet, 3.640 ac. 3. Segunda Deshecha: 0.060 ac. 4. Estrella Storm Channel, 0.055 ac. 5. North Doheny Creek 0.080 ac. 6. Salt Creek 0.294 ac. Volume of fill material (cubic yards) varies by site and maintenance event. Area of sand disposal is not counted as additional impact area for the purposes of this certification.

Water Boards

MITIGATION
Describe Avoidance and Minimization for Impacts to Waters:
Avoidance and minimization measures, which are fully described in the OCPW Ocean Outlets Maintenance Program Manual, include: Spill prevention measures; seasonal operation windows for avoidance of wildlife and fish impacts; training of workers in the mitigation measures, and; on-site water quality monitoring
Describe Compensatory Mitigation for Impacts to Waters (temporary and permanent):
No compensatory mitigation is required

Compensatory Mitigation (Proponent Provided)								
Water Body Type	**Acres Established**		**Acres Restored**		**Acres Enhanced**		**Acres Preserved**	
	Temp.*	Perm.	Temp.*	Perm.	Temp.*	Perm.	Temp.*	Perm.
Lake								
Ocean								
Riparian								
Streambed								
Vernal Pool								
Wetland								
* Report as mitigation for temporary impacts at a 1:1 ratio any required conditions to restore the site (e.g., re-vegetating or re-contouring).								

Compensatory Mitigation (Mitigation Bank)				
Water Body Type	**Acres Established**	**Acres Restored**	**Acres Enhanced**	**Acres Preserved**
Lake				
Ocean				
Riparian				
Streambed				
Vernal Pool				
Wetland				

Compensatory Mitigation (In-Lieu)				
Water Body Type	**Acres Established**	**Acres Restored**	**Acres Enhanced**	**Acres Preserved**
Lake				
Ocean				
Riparian				
Streambed				
Vernal Pool				
Wetland				

Water Quality Certification

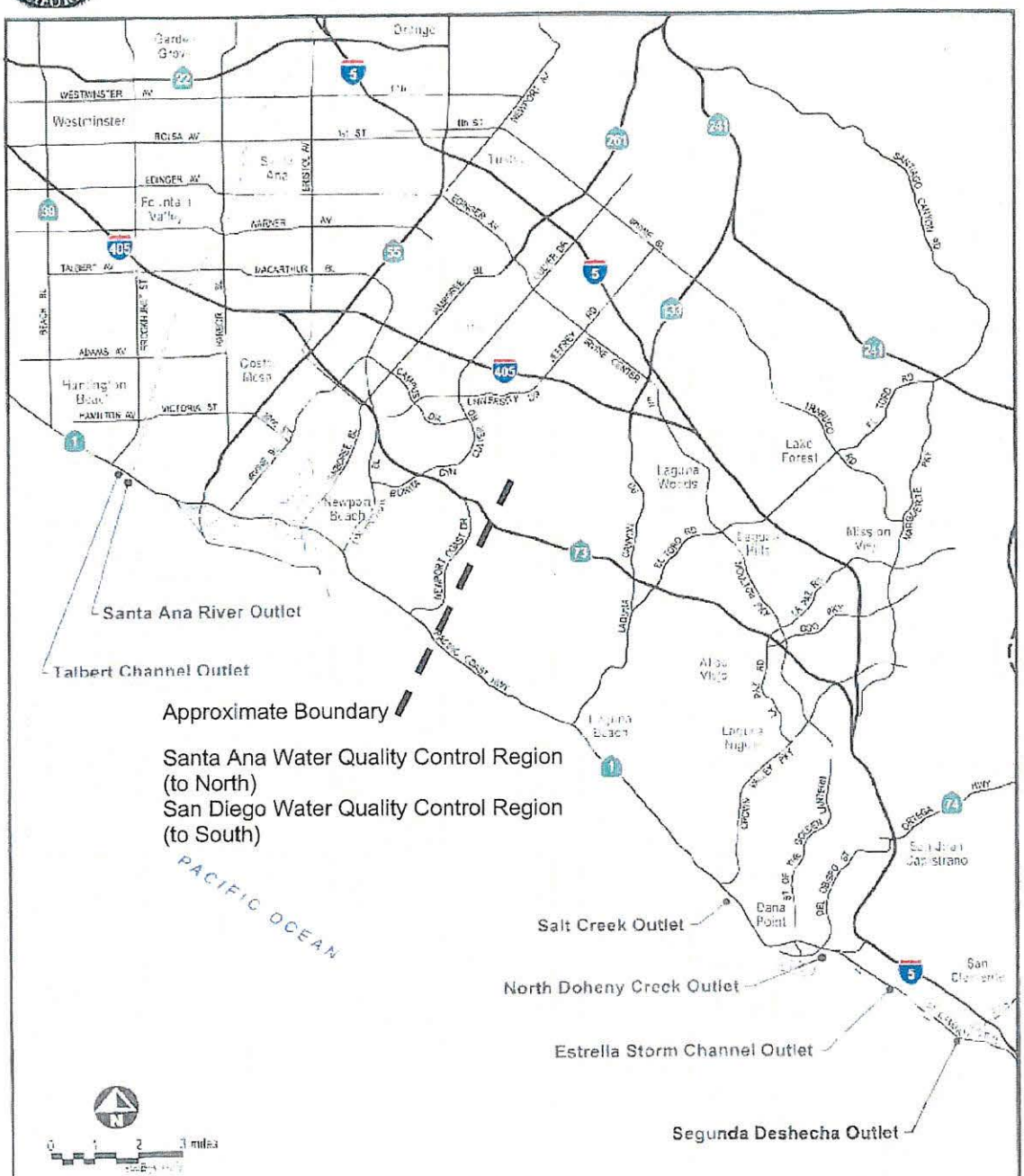
for

Orange County Ocean Outlets Maintenance Program

Attachment C

Location Map Orange County Ocean Outlets

Attachment C: Project Area Map for RGP 74 –
Orange County Ocean Outlet Maintenance Program
(Source: Orange County Public Works Ocean Outlet Maintenance Manual, June, 2010)



	Orange County Public Works	SCALE 1" = 3 miles	FIGURE 1
	Ocean Outlet Maintenance Manual		Vicinity Map

CALIFORNIA COASTAL COMMISSION
SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CALIFORNIA 90802-4416
PH (562) 590-5071 FAX (562) 590-5084
WWW.COASTAL.CA.GOV

IMMATERIAL AMENDMENT TO COASTAL DEVELOPMENT PERMIT

July 20, 2016
Coastal Development Permit Amendment No. **5-02-031-A5**

Original Permit Number: **5-02-031**

Issued to: **Vincent Gin, OC Public Works**

for: **Implementation of an ocean outlet maintenance program at ocean outlet locations throughout Orange County.**

at: **Outlet Locations throughout Orange County (APN(s)**

...has been amended to include the following change(s):

> **A five (5) year time extension to allow maintenance at six (6) ocean outlets as described in the "Ocean Outlet Maintenance Manual" until July 2021. No changes are proposed to the actual maintenance activities.**

This amendment was determined by the Executive Director to be immaterial, was duly noticed, and no objections were received. Please note that the original permit conditions unaffected by this amendment are still in effect.

Sincerely,

John Ainsworth
Acting Executive Director

Fernie Sy
Coastal Program Analyst

ACKNOWLEDGMENT

I have read and understand the above permit and agree to be bound by the conditions, as amended, of Coastal Development Permit 5-02-031.

Date: July 25 2016 Signature Vincent Gin

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Date: August 1, 2003
Permit No: 5-02-031

COASTAL DEVELOPMENT PERMIT

On **July 9, 2003**, the California Coastal Commission granted to **Orange County Public Facilities & Resources Department, Attn: Chris Kubasek** Coastal Development Permit **5-02-031**, subject to the attached Standard and Special Conditions, for development consisting of: **Implementation of an ocean outlet maintenance program at ocean outlet locations throughout Orange County**. More specifically described in the application file in the Commission offices.

The development is within the coastal zone in Orange County at **Ocean Outlet Locations Throughout Orange County.**

Issued on behalf of the California Coastal Commission on August 1, 2003.

PETER DOUGLAS
Executive Director

By:
Title: Coastal Program Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance . . . of any permit . . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 CAL. ADMIN. CODE SECTION 13158(a).

4 AUGUST 2003
Date

Signature

Please sign and return one copy of this form to the Commission office at the above address.

STANDARD CONDITIONS:

1 **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1 Expiration of Permit

This coastal development permit (5-02-031) shall expire five (5) years from the date of permit approval. Except as provided in Public Resources Code Section 30610 and applicable regulations, and as specifically provided in this condition, any future development as defined in PRC section 30106, including but not limited to, maintenance activities beyond the expiration date of this permit, shall require an amendment to 5-02-031 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission.

2. Conformance with the Requirements of the Resource Agencies

The permittee shall comply with all permit requirements and mitigation measures of the California Department of Fish and Game, California State Water Quality Control Board, Regional Water Quality Control Boards (Santa Ana and San Diego), U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project, which is required by the above-stated agencies, shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

3. Conformance with Best Management Practices

The applicant shall undertake development in conformance with the Best Management Practices (Appendix H), attached as Exhibit 5. Additionally, the applicant shall comply with the following construction-related requirements:

(a) No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain or be subject to wave erosion and dispersion;

(b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;

(c) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activities shall be implemented prior to the on-set of such activity. BMPs and GHPs which shall be implemented include, but are not limited to: solid waste management, off-site vehicle and equipment cleaning, off-site vehicle and equipment maintenance, and a employee/subcontractor training. BMPs shall be maintained in a functional condition throughout the duration of the project.

4 Conformance with Water Quality Monitoring Plan

The applicant shall monitor the effects of the proposed maintenance activities in accordance with the Water Quality Monitoring Plan prepared by P & D Consultants dated January 2003, attached as Exhibit 6. The applicant shall submit the annual report for Commission review by February 1 of each year. If it is determined that the maintenance activities are contributing to a discharge resulting in adverse impacts to the adjacent receiving waters, the applicant shall be required to submit a revised, or supplemental, program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

5. Timing—Biological Resources

To avoid adverse impacts on California grunion and California least tern, routine maintenance activities shall not occur during the least tern nesting season (April 15-September 15) or the grunion run. By February 25 of each year, the applicant shall obtain the seasonally predicted run schedule for the grunion, as identified by the California Department of Fish and Game.

In the event that emergency maintenance activities must occur during the least tern nesting season or the seasonally predicted grunion run period, the permittee may proceed upon obtaining a written statement from the Executive Director authorizing construction on specified dates. To obtain such a determination, the permittee must submit a declaration from the Department of Fish and Game stating that construction on the specific dates proposed will not cause adverse impacts to any sensitive or endangered species. The declaration must contain an assessment of the behavior of the grunion and California least tern found in the area and a statement that the construction activity on the specific dates proposed will not adversely impact the grunion and/or the least tern.

6. Timing—Public Access

To avoid adverse impacts on public access and recreational use of the beach, all project operations associated with routine maintenance activities shall be prohibited during the "peak use" beach season, defined as the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year.

Appendix B
Snowy Plover Protection Guidelines

Appendix H: Recommended Best Management Practices for Construction and Maintenance Activities within Special Protection Zones or near Roosting Plovers.

In Appendix C, the USFWS recommends that vehicles should avoid operating within the plover roost Special Protection Zones (see maps in Appendix A), with the exception of activities such as essential patrols, trash pick-up, and other activities agreed to by Wildlife Agencies as being essential. Additionally, there are projects that occur to protect infrastructure such as building berms, opening channels, sand replenishment, coastal armoring, and mechanical removal of large amounts of trash and non-naturally occurring debris following large storm events or when otherwise deemed necessary. For these types of activities, we recommend that the following Best Management Practices (BMP's) be implemented prior to and during their execution.

1. **Pre-project Identification and Protections of Snowy Plover Nesting, Roosting and Foraging Areas.** Agencies that perform the work, as part of their planning should contact the LAAS Snowy Plover Project representative to obtain the latest information on the plover roost(s) that are potentially impacted by their project. They should contact this person to determine where annual Snowy Plovers roosts and nesting areas occur on a particular beach. If possible, a qualified biologist should then survey the proposed work area within 72 hours to determine up-to-date locations of plovers. This should include mapping the extent of the beach used by the Snowy Plovers. Both the results of the current season's survey (August – April) and the preconstruction survey should be combined to map the area that may be used by the plovers during the project's activity.

   The biologist should prepare a map of the roosting/nesting areas that the project staff can then use to determine which project activities may conflict with these sensitive areas. The project staff and the biologist should then create a plan for avoiding sensitive areas. This should include routing materials, storage areas, staging areas, vehicle transit routes, and other project activities (work areas) that must occur on a daily basis around sensitive areas. Sensitive areas should then be marked using symbolic fencing, wood drift fencing, or road cones so that crews and other beach goers avoid these areas.

   All staff that will be working on the beach should then be briefed on the identification and habits of the Snowy Plover. They should be instructed to maintain a speed limit of no more than 10 mph while on the beach, including transit routes, and to remain vigilant, especially when driving in existing vehicle tracks. If a Snowy Plover is found in a work area, the biological monitor should be contacted and cones or other markers placed in that area to prevent harassment of the Snowy Plover(s) until the bird(s) depart or the biological monitor can recommend other protective measures.

2. **Protections during Project Activities.** In cases where sensitive areas can be identified and protected prior to project activities commencing, biological monitoring can be reduced to daily visits to ensure that protective measures are in place, that the Snowy Plovers have not shifted roosting areas, and that the crews are following these directions. Biological monitors would need to be present at all times if crews are working within sensitive areas.

   On days when crews need to work in sensitive areas, biological monitors should be present and positioned so that they can observe both the plovers and the crews. They

should arrive a half-hour prior to the beginning of planned work activities, if this is prior to sunrise, then work activities should be delayed to allow the monitors time to accomplish their tasks. The monitors should survey the proposed work area, and then discuss the planned activities with the supervisor and crews. They should create a plan for accomplishing the work without harassing the plovers. Monitors should then be present during work activities to ensure that the Snowy Plovers are not harassed. In cases where Snowy Plovers are roosting within or move to within 100 ft of active work areas, and all other options have been exhausted, the biological monitors should be allowed to slowly approach the roost and herd the Snowy Plovers out of the proposed work area and into areas that have been previously identified as plover roosts or marked sensitive areas. We propose that, given the amount of harassment that occurs daily on most beaches by dogs, pedestrians, and vehicles, a single flushing by a person on foot would not create any significant added level of harassment. Further, the actions taken to protect the roost would have already significantly reduced the daily level of harassment, offsetting the few occasions that the monitor may need to herd them. Once plovers are clear of the work area, work can begin again.

Appendix C
Grunion Protection Plan

environmental planning
mitigation programs
biological resources
cultural resources
Chambers Group
Solving Environmental Challenges

September 7, 2006
(8429)

Mr. Christopher G. Kubasek, Chief
Orange County Resources and
Development Management Department
300 North Flower Street
Santa Ana, CA 92703

Re: Grunion Protection Plan for Necessary Outlet Maintenance During the Grunion Spawning Season of March through September

Dear Mr. Kubasek:

In consultation with Dr. Karen Martin of Pepperdine University, I have developed a plan to protect grunion when necessary maintenance activities must be performed at the ocean outlets of creeks and drains during the grunion spawning season of March trough September. The following is an outline of the grunion protection plan:

- At the beginning of the spawning season, trained personnel will assess the potential of the beach to support grunion spawning at each outlet. Monitoring will be required only at sites that have been identified as areas that support grunion spawning.

- If maintenance needs to be performed during the spawning season at an outlet that may support spawning, the predicted grunion run prior to (or during) the maintenance work will be monitored. The predicted grunion run will be monitored for three nights: the night after the full or new moon phase and the 2 following nights. The monitoring would occur from the time of the high tide for two hours following the tide or until the grunion stop running if they are still running two hours after the high tide).

- If grunion are observed to run in the vicinity of an outlet, the area where they ran will be marked physically and/or by Global Positioning System locations. The density of the grunions throughout the area will be noted.

- Maintenance workers will avoid the spawning area, if possible.

- If spawning occurred over the entire maintenance area, work will be rescheduled until the area is clear of eggs. This may occur during the window in between two grunion runs, i.e., the two or three days before every full or new moon or when it has been otherwise determined that the eggs from the run have washed out to hatch.

By following these procedures, maintenance activities can be performed without significant impact on grunion.

Sincerely,

CHAMBERS GROUP, INC.

Noel Davis, Ph.D.
Marine Biologist

San Diego
Inland Empire
Corporate Headquarters
Sacramento
Reno

www.chambersgroupinc.com

Appendix D
Water Quality Monitoring Plan

COUNTY OF ORANGE
Public Facilities and Resources Department

Water Quality Monitoring Plan for Ocean Outlet Maintenance

PREPARED FOR:

County of Orange
Public Facilities and Resources
Operations and Maintenance Division
300 North Flower Street
Santa Ana, California 92703

PREPARED BY:

P&D Consultants
999 Town and Country Road
Orange, California 92868

January 2003
Revised: September 2003

TABLE OF CONTENTS

Introduction

Periodic maintenance at seven County of Orange Public Facilities and Resources Department (PFRD) outfall locations is required to ensure that recreational use of beaches and protection of adjacent private property is not compromised due to sediment and trash buildup or changes in the stream channel. As a result of these periodic maintenance activities, a monitoring program is needed to determine if maintenance on any of these outlets has contributed a discharge that resulted in impacts to the adjacent receiving waters (e.g. the Pacific Ocean). The monitoring program will be conducted when maintenance activities that have the potential to result in a discharge to the ocean occur. Attachment A of this Water Quality Monitoring Plan (WQMP) contains a detailed list of maintenance activities that have the potential to discharge to the ocean, as noted in Sections 2 and 3 of the Ocean Outlet Maintenance Manual (manual) prepared by the PFRD.

This WQMP details the water and sediment sampling protocols that will be implemented when any of the activities listed in Attachment A of this WQMP are conducted at the following outlet facilities currently maintained by PFRD:

Segunda Deshecha – M02

Prima Deshecha – M01

Capistrano Beach #1 and #2

North Doheny Creek

- Salt Creek – K01

Santa Ana River – E01

Talbert Channel – D02

Sample Collection Protocol

Sampling Frequency

Water Sampl

Sampling activities will include pre- and post-maintenance activity sampling of freshwater discharge and the receiving waters. Pre-maintenance water sampling will be conducted for three consecutive days during the week prior to the scheduled maintenance activity. Additionally, post-maintenance water sampling will be conducted for three consecutive days during the week following completion of the maintenance activity. Pre- and post- maintenance water samples will be collected during morning hours when bacteria levels are at their highest. Water sample collection is not necessarily required during weekends unless directed otherwise.

In the event the sampling results do not return to pre-construction levels or are significantly higher that standard limits, sampling will continue and the Regional Board within whose jurisdiction of the outlet is located will be consulted to determine appropriate monitoring.

Sediment Sampl

Sediment sampling will be limited to pre-maintenance activity sample collection. Sediment sampling shall be conducted for one day during the week prior to the scheduled maintenance activity.

Sample Locations

Water Samples

Three grab samples will be collected each day that water sampling occurs. Each day where a water sample is collected is known as a water sampling event. One water sample (discharge from the outlet) will be collected within the discharge immediately upstream of the freshwater-saltwater interface. The two remaining water samples will be collected 25 yards up-coast and 25 yards down-coast at the receiving water (ocean) of the freshwater-saltwater interface (outlet discharge). The freshwater-saltwater interface occurs where the freshwater discharge from the outlet meets the saline waters in the ocean. In the case of an impounded outlet where the stream course is redirected because a sand shoal plugs the outlet, the freshwater-saltwater interface is immediately above the wave run up limit of the surf zone.

In the event that a shift in the location of the freshwater-saltwater interface occurs due to maintenance activities, such as stream reestablishment, post-maintenance receiving water sampling locations will also be shifted accordingly. Samples will continue to be collected 25 yards up-coast and 25 yards down-coast of the interface, based on the shift.

Sediment Sampl

Three grab samples (continuous core, discrete, and residual) will be collected from each area where sediment removal is proposed during maintenance. Each day where a sediment sample is collected is known as a sediment sampling event. Sampling depth will be selected at random.

Sample Preparations

An adequate stock of sampling supplies and equipment will be available prior to each sampling event. Monitoring supplies and equipment will be stored in a cool-temperature environment that will not come into contact with rain or direct sunlight to protect the integrity of sample bottles. Sampling supplies include: latex powder-free, surgical gloves, sample collection equipment (bailers, water

collection scoops, core sampler, etc.), coolers, sample bottles, distilled water, identification labels, Ziploc®-type storage bags, paper towels, and Chain of Custody (COC) forms. Sample bottles, identification labels, and the COC forms can be obtained from the laboratory that will be conducting the sample analyses.

Prior to collecting samples, sampling personnel shall attach an identification label to each sample bottle. Self-adhesive labels shall be prepared to prevent sample misidentification. At a minimum, the following information will be recorded on the label with waterproof ink:

Project name

Name of sample collector

Matrix – water or soil

Sample identification number and location. [Six digit sample collection date]-[Location]. *Example* [061003-Prima Deshecha – Up-coast].

Collection date and time

Analysis parameter *Example* [Total suspended solids (TSS), Turbidity]

Decontamination Protocols

Sampling equipment will be decontaminated prior to and after sample collection. All sampling equipment will be decontaminated by washing with non-phosphate detergent, rinsing with tap water, and then rinsing twice with distilled water to ensure that contaminants have been thoroughly removed. The equipment will then be air dried in a dust-free environment and wrapped in aluminum foil or a plastic bag for transport to the sampling location. Sample bottles obtained from a laboratory for the analysis will already be sterile and will not require decontamination.

Sample Collection

Water Samples

Water samples will be collected approximately 0.3-meters (1 foot) below the water surface with a bailer or other clean collection device (i.e. sample scoop), and transferred to appropriate sample bottles. If a water sample cannot be collected at 0.3-meters below the water surface for discharge streams, the water sample should be collected at the mid-point of the flow without disturbing the streambed. For TSS and turbidity analyses, fill the sample bottle completely without rinsing and immediately seal with the cap.

For bacteriological analyses (total coliform, fecal coliform, and enterococcus), fill the sample bottle without rinsing so as to leave approximately 2 to 3 cm of air space in the sample bottle to facilitate mixing by shaking prior to laboratory

analysis. Water samples should be collected just below the water surface in ankle-deep water to minimize the amount of sand or other suspended particles. Standard Water sampling protocols established in the Standard Methods for Examination of Waters and Wastewater, 20th edition will be observed.

Sediment Sampl

Sediment samples shall be collected at randomly selected depths depending upon the location and potential for contaminants. A continuous core, discrete, and residual sample will be collected from each sample area. The discrete and residual samples can be collected with a stainless steel spoon or grain scoop. A sediment dredge, such as an Eckman dredge, may also be used. If conditions are safe, the sampler may wade into the water body to obtain a scooped sample, or the scoop may be attached to an extendible pole for obtaining samples several feet from shore. The sample should be collected in the upstream direction of flow. Care should be taken not to disturb the bed of the stream prior to sample collection. The sample bottle shall be filled completely and immediately sealed with the cap.

Coring devices can be fabricated from a stainless steel, PVC, or teflon pipe or a gravity driven device may be purchased. The corer should be placed in the sediment where the sample is to be collected and rotated as it is pushed in. Rotation should be around its axis, not rocked back and forth. A cap shall be placed on the bottom of the corer upon withdrawal to prevent the sample from sliding out. The core should then be extruded out into the sample jar and immediately sealed with the cap.

Sample Handling and Preservation

In order to reduce the potential for sample contamination, sample collection personnel will abide by the following measures:

Where a clean pair of latex surgical gloves prior to the collection and handling of each sample at each location.

Do not contaminate the inside of the sample bottle by allowing it to come into conta with any material or fluid other than the sample.

Discard sample bottles or sample lids that have been dropped onto the ground.

Do not allow falling or dripping rain water to enter sample containers.

Do not eat, smoke, or drink during sample collection.
Do not open any sample bottle until it is ready to be filled.

Each sample will be inspected following collection for anomalously large amounts of foreign material that might have been captured or for any other reason to suspect that any

bottle is not sterile during sample collection. If such a condition is observed, discard the sample bottle, prepare a new sample bottle, and resample.

Although the integrity of the sample during sample collection should not be compromised, it is also noted that wearing adequate protection of the sampler is also just as important. Samplers should wear protective eye wear, clothing, and gloves to ensure sampler safety from any contamination in the water or soil. In the case of high flows, a second sampler should be utilized to maintain a 'buddy-system'.

Following collection, sample bottles for laboratory analytical testing will be sealed in a Ziploc®-like plastic storage bag and stored in an ice-chilled cooler at as near to 4 degrees Celsius (39.4 degrees Fahrenheit) as practicable. Blue Ice® or its equivalent is the recommended coolant. If ice packs are used they should be placed in bubble-wrap sheaths to prevent sample temperatures from reaching 0 degrees Celsius. A certified thermometer should be kept in the cooler during sample transport and the temperature should be recorded at the time of submittal to the analytical laboratory.

Each sample must be documented on a COC form following sample collection. A COC form is a document used to record important information regarding each sample collected and the transfer of the custody of each sample to the laboratory conducting the analyses. The samples and the COC form must be delivered within 5 hours to a California state-certified laboratory due to limited holding times bacteria for bacteria analysis.

Testing and Analysis

Tables 1 and 2 summarize the analytical requirements for water and sediment sampling

Analysis Results

The results of each sample analysis will be delivered from the laboratory following completion of the analyses. The arithmetic means of the three pre-maintenance outlet discharge samples will be compared to the arithmetic means of the three post-maintenance outlet discharge samples. Likewise, the geometric mean concentration of each bacteriological indictor from up-coast and down-coast pre-maintenance samples will be compared to the respective post-monitoring samples. The results of the sediment samples will be used to determine whether constituents present within the sediment exceed water quality objectives for the receiving water prior to disturbance. Findings will be included in the maintenance reports described below in Section

Quality Control and Reporting Requirements

All data will be documented on log books, sample identification labels, and COC forms using waterproof ink. All documentation is considered accountable documents. If an error is made on an accountable document, the individual will make corrections by lining through the error once and entering the correct information. The erroneous information will not be obliterated. All corrections will be initialed and dated.

Log Books: Log books will be maintained to document where the samples where collected, depth of collection, date and time of sample collection, sampling procedures, and any other pertinent information on how and where the sample was collected.

Chain-of-Custody Forms: All samples to be analyzed by a laboratory will be accompanied by a COC form provided by the laboratory. Ensure that all of the required information on the COC is fill out completely and that there are no blanks left on the form. Typical COC information includes: sample number; date, time and location of the collected sample; sample type; sample preservation requirements; signatures of samplers involved in the chain of possession; signature of collectors; and date and time of laboratory custody. COC procedures must be strictly adhered to for quality control purposes.

Maintenance Reports: Water and soil sampling activities and sample results will be documented in accordance with the reporting requirements listed in Section 6 of the Ocean Outlet Maintenance Manual for routine and emergency maintenance activities. These reports will be compiled into an annual report used to document compliance with the maintenance manual and this monitoring plan.

An annual report including water quality monitoring data and assessment will be submitted to the regulatory agencies at the end of each calendar year (December 31). The annual WQMP report will be distributed the Corps of Engineers, CA Department of Fish and Game, CA Coastal Commission and the State, San Diego and Santa Ana Water Boards.

Table 1: Water Sampling and Analysis

Sample Location	Parameter	Analytical Method	Minimum Sample Volume	Sample Type	Minimum Analysis Frequency	Sample Preservation	Maximum Holding Time
Outlet Discharge	Total Suspended Solids (TSS)	SM2540(d)	200 mL	Grab	3 days prior and following the scheduled maintenance activity	Store at 4°C	7 days
	Turbidity	SM2130(b)	100 mL	Grab	3 days prior and following the scheduled maintenance activity	Store at 4°C	24 hours
Up- & Down-Coast from Receiving Waters	Total Coliform	SM9222(b)	100 mL	Grab	3 days prior and following the scheduled maintenance activity	Store at 4°C	6 hours
	Fecal Coliform	SM9222(d)	100 mL	Grab	3 days prior and following the scheduled maintenance activity	Store at 4°C	6 hours
	Enterococcus	SM9230(c)	100 mL	Grab	3 days prior and following the scheduled maintenance activity	Store at 4°C	6 hours

Notes:
°C - Degrees Celsius
mL - Milliliters
SM - Standard Method (per *Standard Methods for the Examination of Water and Wastewater*, 20th Edition)
Poly – Polypropylene

Table 2: Sediment Sampling and Analysis

Sample Type	Parameter	Analytical Method	Units	Sample Unit	Minimum Analysis Frequency
Continuous Core Sampling	Atterberg Limits	--	---	Grab	Once prior to maintenance activity
	Moisture Content	--	%	Grab	Once prior to maintenance activity
	Pesticides	EPA 8081	ug/kg	Grab	Once prior to maintenance activity
	pH	--	pH units	Grab	Once prior to maintenance activity
	Polynuclear Aromatic Compounds	EPA 8310	ug/kg	Grab	Once prior to maintenance activity
Discrete Sampling	Soluble and Total Metals	EPA 6010, 7000	mg/L	Grab	Once prior to maintenance activity
	Total Extractable Petroleum Hydrocarbons (Kerosine and Diesel)	California LUFT 8015	mg/L	Grab	Once prior to maintenance activity
	Total Organic Carbon	---	mg/L	Grab	Once prior to maintenance activity
Residual Sampling	Polychlorinated Biphenyls	EPA 8082	ug/kg	Grab	Once prior to maintenance activity
	Total Mercury	EPA 7471	ug/kg	Grab	Once prior to maintenance activity

Notes:
EPA – Environmental Protection Agency
ug/mg – Micrograms per Milligram
mg/L – Milligrams per Liter

REFERENCES

Standard Methods for the Examination of Water and Wastewater, 20th Ed. American Public Health Association, American Water Works Association, and Water Environment Federation, Washington D.C. 1998.

Appendix E

Pre-Construction Notification Form

U.S. Army Corps of Engineers
South Pacific Division

Nationwide Permit Pre-Construction Notification (PCN)

This form integrates requirements of the U.S. Army Corps of Engineers (Corps) Nationwide Permit Program within the South Pacific Division (SPD). Boxes 1-10 must be completed to include all information required by General Condition 32. Box 11 (or other sufficient information to show compliance with all General Conditions) must be completed for activities in Arizona, California, Nevada, and Utah, and is recommended for activities in Colorado and New Mexico. If additional space is needed, please provide as a separate attachment. Please refer to the *Instructions for the South Pacific Division Nationwide Permit Pre-Construction Notification (PCN)* (Instructions) for instructions for completing the PCN, as well as additional information on the attachments and tables included with this PCN that may be used.

0. To be filled by the Corps

Application Number:	Date Received:	Date Complete:

1. Prospective Permittee and Agent Name and Addresses (see Instructions)

a. Prospective Permittee

First - _____ Middle - _____ Last - _____

Company - _____ Email Address - _____

Address - _____ City - _____ State - _____ Zip - _____

Phone (Residence/Mobile) - _____ Phone (Business) - _____

b. Agent (if applicable)

First - _____ Middle - _____ Last - _____

Company - _____ Email Address - _____

Address - _____ City - _____ State - _____ Zip - _____

Phone (Residence/Mobile) - _____ Phone (Business) - _____

c. Statement of Authorization: I hereby authorize _____, to act in my behalf as my agent for the proposed activity. (Optional, see instructions)

_____ _____

Signature of Applicant Date

2. Name and Location of the Proposed Activity (see Instructions)

☐ The proposed work would involve multiple-single and complete projects. See attachment for the information required in Boxes 2 through 10, and 11, if applicable.

a. Project Name or Title:	**b. County, State:**

c. Name of Waterbody:

d. Coordinates:

☐ Unknown (please provide other location descriptions below)

Latitude - Longitude -

e. Other Location Description (optional, see instructions):

f. Driving Directions to the site (optional, see instructions):

3. Specific NWP(s) you want to use to authorize the proposed activity (see Instructions)

4. Description of the Proposed Activity (see Instructions)

a. Complete description of the Proposed Activity:

b. Purpose of the Proposed Activity:

c. Direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands and other waters of the U.S. expected to result from the NWP(s) activity:

d. Description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity:

e. Any other NWP(s), Regional/Programmatic General Permit(s) or Individual Permit(s) used or intended to be used to authorize any part of the proposed activity or any related activity:

f. Have sketches been provided containing sufficient detail to provide an illustrative description of the proposed activity?

☐ Yes, Attached ☐ No

☐ N/A; The activity is located in the Los Angeles District boundaries of Arizona and California, See Attachment 1

☐ N/A, The activity is located in the San Francisco District boundaries of California, See Attachment 2

☐ N/A, The activity is located in the Sacramento District boundaries of California, Nevada, or Utah, See Attachment 3

5. Aquatic Resource Delineation (see Instructions)

a. Has a delineation of aquatic resources been conducted in accordance with the current method required by the Corps? ☐ Yes ☐ No

If yes, please attach a copy of the delineation

Note: If no, your PCN is not complete. In accordance with General Condition 32, you may request the Corps delineate the special aquatic sites and other waters on the project site, but there may be a delay. In addition, the PCN will not be considered complete until the delineation has either been submitted to or completed by the Corps, as appropriate.

b. If a delineation has been submitted, would you like the Corps to conduct a jurisdictional determination (preliminary or approved)? ☐ Yes ☐ No

If yes, please complete, sign and return the attached *Appendix 1 – Request for Corps Jurisdictional Determination (JD)* sheet or provide a separate attachment with the information identified in Appendix 1.

6. Compensatory Mitigation (see Instructions)

a. Will the proposed activity result in the loss of greater than 1/10-acre of wetlands? ☐ Yes ☐ No

If yes, describe how you propose to compensate for the loss of each type of wetland:

Note: for the loss of less than 1/10 acre of wetlands, or if no compensatory mitigation is proposed, the Corps may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

b. Will the proposed activity result in the loss of streams or other open waters of the U.S.? ☐ Yes ☐ No

If yes, provide a description of any proposed compensatory mitigation for the loss of each type of stream or other open water:

Note: If no compensatory mitigation is proposed, the Corps may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in no more than minimal adverse environmental effects.

7. Endangered Species Act (ESA) Compliance (see Instructions)

a. For non-Federal permittees (if Federal permittee, check N/A and skip to 7(d)): ☐ N/A

(1) Is there any Federally-listed endangered or threatened species or critical habitat that might be affected or is in the vicinity of the activity? ☐ Yes ☐ No

(2) Is the activity located in designated critical habitat for Federally-listed endangered or threatened species? ☐ Yes ☐ No

If yes to either (1) or (2), include the name(s) of those endangered or threatened species that might be affected by the proposed activity or might utilize the designated critical habitat that might be affected by the proposed activity:

1. 2.

3. 4.

5. 6.

If no to both (1) and (2), proceed to Box 8.

Note: If yes to either (1) or (2), note per General Condition 18(c), you shall not begin work on the activity until notified by the Corps that the requirements of the ESA have been satisfied and that the activity is authorized.

b. Has information sufficient to initiate consultation with the U.S. Fish and Wildlife Service/National Marine Fisheries Service for compliance with Section 7 of the ESA been prepared? ☐ Yes ☐ No

If yes, please attach a copy of the information.

c. Additional information you wish to provide regarding compliance with the ESA, if applicable:

d. For Federal permittees, you must provide documentation demonstrating compliance with ESA as a separate attachment.

8. Historic Properties (see Instructions)

a. For non-Federal permittees (if Federal permittee, check N/A and skip to 7(d)): ☐ N/A

(1) Is there a known historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places that the NWP may have the potential to affect? ☐ Yes ☐ No

If yes to (1), state which historic property may have the potential to be affected by the proposed activity:

1. 2.

3. 4.

5. 6.

OR

☐ A vicinity map indicating the location of the historic property is enclosed

(2) If no to (1), describe the potential for the proposed work to affect a previously unidentified historic property:

Note: If yes to (1), note per General Condition 20(c), you shall not begin the activity until notified by the Corps that the activity has no potential to cause effects or that consultation under Section 106 of the National Historic Preservation Act (NHPA) has been completed.

b. Has information sufficient to initiate consultation with the State Historic Preservation Officer/Tribal Preservation Officer for compliance with Section 106 of the National Historic Preservation Act (NHPA) been prepared?

☐ Yes ☐ No

If yes, please attach a copy of the information.

c. Additional information you wish to provide regarding compliance with the NHPA, if applicable:

d. For Federal permittees, you must provide documentation demonstrating compliance with NHPA in a separate attachment.

9. National Wild and Scenic Rivers (see Instructions)

a. Will the proposed activity(s) occur in a component of the National Wild and Scenic River System or a river officially designated by Congress as a "Study River" for possible inclusion in the system while the river is in an official study status?

☐ Yes, in a component of a National Wild and Scenic River System; ☐ Yes, in a "study" river ☐ No

If yes, identify the Wild and Scenic River or the "study river"

Note: per General Condition 16(b), you shall not begin the NWP activity until notified by the Corps that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status. If you have received written notification from the Federal agency, please attach the correspondence.

10. Section 408 Permissions (see Instructions)

a. Will the NWP also require permissions from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a Corps federally authorized Civil Works project? ☐ Yes ☐ No

If yes, have you received Section 408 permission to alter, occupy, or use the Corps project? ☐ Yes ☐ No

If yes, please attach the Section 408 permission

If yes, note per General Condition 31, an activity that requires Section 408 permission is not authorized by NWP until the Corps issues the Section 408 permission to alter, occupy, or use the Corps project, and the Corps issues a written NWP verification.

11. Compliance with NWP General Conditions (see Instructions)		
Check	**General Condition**	**Rationale for Compliance with General Condition**
☐	1. Navigation	
☐	2. Aquatic Life Movements	
☐	3. Spawning Areas	
☐	4. Migratory Bird Breeding Areas	
☐	5. Shellfish Beds	
☐	6. Suitable Material	

☐	7. Water Supply Intakes	
☐	8. Adverse Effects from Impoundments	
☐	9. Management of Water Flows	
☐	10. Fills Within 100-Year Floodplains	
☐	11. Equipment	
☐	12. Soil Erosion and Sediment Controls	

☐	13. Removal of Temporary Fills	
☐	14. Proper Maintenance	
☐	15. Single and Complete Project	
☐	16. Wild and Scenic Rivers	
☐	17. Tribal Rights	
☐	18. Endangered Species	See Box 7 above.
☐	19. Migratory Bird and Bald and Golden Eagle Permits	

☐	20. Historic Properties	See Box 8 above.
☐	21. Discovery of Previously Unknown Remains and Artifacts	
☐	22. Designated Critical Resource Waters	
☐	23. Mitigation	See Boxes 4(d) and 6 above.
☐	24. Safety of Impoundment Structures	
☐	25. Water Quality, including status of Section 401 Water Quality Certification	
☐	26. Coastal Zone Management, including status of CZM Consistency Certification from the State of California (for projects in or affecting the Coastal Zone)	

☐	27. Regional and Case-by-Case Conditions	
☐	28. Use of Multiple Nationwide Permits	
☐	29. Transfer of Nationwide Permit Verifications	
☐	30. Compliance Certification	
☐	31. Activities Affecting Structures or Works Built by the United States	See Box 10 above.
☐	32. Pre-Construction Notification	

U.S. Army Corps of Engineers

Los Angeles District

Attachment 1: Additional PCN Requirements for Los Angeles District Boundaries of Arizona and California

This attachment contains additional information required to be submitted with the PCN for proposed activities within the Los Angeles District Boundaries of Arizona and California. You must submit the completed attachment, or other attachment containing the required information, for a complete PCN per Los Angles District Regional Condition 3. For multiple single and complete projects, provide the information identified below for each single and complete project. If additional space is needed, provide as an attachment to the form, and please reference each section accordingly.

1. Form of PCN (Regional Condition 3)

Have you submitted a completed South Pacific Division PCN Checklist or an application form (ENG Form 4345) with an attachment providing information on compliance with all of the General and Regional Conditions?

☐ Yes, see attached ☐ No

Note: If you check no, your PCN will be considered incomplete.

2. Avoidance and Minimization (Regional Condition 3(a))

Written statement describing how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to waters of the U.S.:

3. Drawings (Regional Condition 3(b))

The following drawings are enclosed:

☐ Plan-View drawing clearly depicting the location, size and dimensions of the proposed activity, as well as the location of delineated waters of the U.S. on the site

☐ Cross-Section view drawings clearly depicting the location, size and dimensions of the proposed activity, as well as the location of delineated waters of the U.S. on the Site

The plan-view and cross-section view drawings contain the following

Title block: ☐ Yes ☐ No

Legend and scale: ☐ Yes ☐ No

Amount (in cubic yards) of fill in Corps jurisdiction (including permanent and temporary fills/structures): ☐ Yes ☐ No

Area (in acres) of fill in Corps jurisdiction (including permanent and temporary fill structures): ☐ Yes ☐ No

The ordinary high water mark (non-tidal waters) or mean high water mark and high tide line (tidal waters) shown in feet based on National Geodetic Vertical Datum (NGVD) or other appropriate reference elevation: ☐ Yes ☐ No

Do all drawings follow the South Pacific Division February 2016, *Updated Map and Drawing Standards for the South Pacific Division Regulatory Program*, or most recent update?
(see http://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticesandReferences.aspx) ☐ Yes ☐ No

If no, describe why this requirement is proposed to be waived):

4. Photographs (Regional Condition 3(c))

Have you enclosed numbered and dated pre-project color photographs showing a representative sample of waters proposed to be impacted on the site, and all waters of the U.S. proposed to be avoided on and immediately adjacent to the project site?

☐ Yes ☐ No ☐ N/A (describe why):

Is the compass angle and position of each photograph identified on the plan-view drawing(s) identified in Box 3?

☐ Yes ☐ No ☐ N/A (describe why):

5. Delineation of Aquatic Resource (Regional Condition 3(d))

Have you enclosed a delineation of aquatic resources completed in accordance with the Los Angeles District's Minimum Standards for Acceptance of Aquatic Resources Delineation Reports?
(see http://www.spl.usace.army.mil/Missions/Regulatory/Jurisdictional-Determination/)

☐ Yes ☐ No ☐ N/A

If no, describe why this requirement is proposed to be waived:

6. Essential Fish Habitat (EFH) (Regional Condition 4(b).

☐ **N/A. The proposed activity will not occur in areas designated as EFH** (skip to Box 7)

☐ **The proposed activity will occur in areas designated as EFH and an EFH assessment and extent of proposed impacts to EFH is enclosed.**

7. Waiver of linear foot limitations (Regional Condition 9)

(for NWPs 13, 21, 29, 39, 40, 42, 43, 44, 51, 52, and 54)

☐ **The proposed activity would not require a waiver of the linear foot or other applicable limitations for NWPs 13, 21, 29, 39, 40, 42, 43, 44, 51, 52, or 54.**

a. A narrative description of the stream (including known information on: volume and duration of flow; the approximate length, width, and depth of the waterbody and characteristics observed associated with an Ordinary High Water Mark (e.g. bed and bank, wrack line or scour marks); a description of the adjacent vegetation community and a statement regarding the wetland status of the adjacent areas (i.e. wetland, non-wetland); surrounding land use; water quality; issues related to cumulative impacts in the watershed, and; any other relevant information):

b. Analysis of the proposed impacts to the waterbody, in accordance with General Condition 32 and Regional Condition B(1):

c. Measures taken to avoid and minimize losses to waters of the U.S., including other methods of constructing the proposed activity(s):

d. A compensatory mitigation plan describing how the unavoidable losses are proposed to be offset, in accordance with 33 CFR 332:

Compliance with Los Angeles District Regional Conditions for Arizona and California

This checklist is intended to assist prospective permittees with documenting compliance with all Los Angeles District Regional Conditions, as required by Regional Condition 3. This checklist does not include the full text of each regional condition. Please refer to the *Los Angeles District Final Regional Conditions for the 2017 NWPs* (http://www.spl.usace.army.mil/Missions/Regulatory/Permit-Process/) when completing this checklist.

Please check the box to indicate you have read and have/will comply with the Regional Condition and provide a rationale on how you have/will comply with the Regional Condition.

Check	Regional Condition	Rationale for Compliance
☐	1. **Linear Transportation Crossings.** For activities in waters of the U.S. that are suitable habitat for Federally-listed fish species, including designated critical habitat, permittee shall design new or substantially reconstructed linear transportation crossings to ensure passage of all life stages and/or spawning of fish is not hindered. Permittee shall employ bridge designs that span the stream or river, or designs that use a bottomless arch culvert with a natural stream bed, unless determined to be impracticable by the Corps.	
☐	2. **Loss* of wetlands, mudflats, vegetated shallows, or riffle and pool complexes:** NWPs 3, 7, 12-15, 17-19, 21, 23, 25, 29, 35, 36, 39-46, 48-54 cannot be used to authorize structures, work, and/or the discharge of dredged or fill material that would result in the "loss" of wetlands, mudflats, vegetated shallows, or riffle and pool complexes. The definition of "loss" is the same as the definition of "loss of waters of the United States" used for the NWP program. This Regional Condition applies only within the State of Arizona and within the Mojave and Sonoran (Colorado) desert regions of California. The desert regions in California are limited to four USGS Hydrologic Unit Code (HUC) accounting units (Lower Colorado -150301, Northern Mojave-180902, Southern Mojave-181001, and Salton Sea-181002)	
☐	3. **Additional PCN Requirements:**	See Boxes 1-5

Check	Regional Condition	Rationale for Compliance
☐	4. **Submission of PCN:** A PCN must be submitted for: ☐ All perennial waterbodies and special aquatic sites throughout the Los Angeles District and intermittent waters within the State of Arizona for any regulated activity that would result in a loss* of waters of the U.S. ☐ Areas designated as EFH that would result in an adverse effect to EFH. ☐ All watersheds in the Santa Monica Mountains in Los Angeles and Ventura Counties. ☐ The Santa Clara River watershed in Los Angeles and Ventura counties ☐ The Murrieta and Temecula Creek watersheds in Riverside County, California, for any activity that would result in a loss* of waters of the U.S. ☐ All waterbodies designated by the Arizona Department of Water Quality (DWQ) as Outstanding Arizona Waters (OAWs), within 1600 meters (or 1 mile) upstream and/or 800 meters (1/2 mile) downstream of a designated OAW, and on tributaries to OAWs within 1600 meters of the OAW. ☐ All waterbodies designated by the Arizona DWQ as 303(d)-impaired surface waters, within 1600 feet (or 1 mile) upstream and/or 800 meters (1/2 mile) downstream of a designated impaired surface water, and on tributaries to impaired waters within 1600 meters of the impaired water.	
☐	5. **Vernal Pools:** Individual permits shall be required for all discharges of fill material in jurisdictional vernal pools, with the exception that discharges for the purpose of restoration, enhancement, management or scientific study of vernal pools may be authorized under NWPs 5, 6, and 27 with the submission of a PCN in accordance with General Condition 32 and Regional Condition 3.	
☐	6. **Murrieta Creek and Temecula Creek watersheds in Riverside County:** The use of NWPs 29, 39, 42, and 43, and NWP 14 combined with any of those NWPs shall be restricted. The loss* of waters of the U.S. (as defined by the NWPs) cannot exceed 0.25 acre.	
☐	7. **Bank Stabilization and Grade Control Structures:** Individual permits shall be required in San Luis Obispo Creek and Santa Rosa Creek in San Luis Obispo County for bank stabilization projects and in Gaviota Creek, Mission Creek, and Carpinteria Creek in Santa Barbara County for bank stabilization projects and grade control structures.	

Check	Regional Condition	Rationale for Compliance
☐	8. **Revoked NWPs:** NWPs 3, 7, 12, 13, 14, 16, 17, 18, 19, 21, 25, 27, 29, 31, 33, 39, 40, 41, 42, 43, 44, 46, 49, and 50 are revoked in the San Diego Creek Watershed and San Juan Creek/Western Mateo Creek Watersheds in Orange County, California, in association with the respective Special Area Management Plans.	
☐	9. **Waiver of linear foot limit for NWPs 13, 21, 29, 39, 40, 42, 43, 44, 50, 51, 52, and 54:** Request for waiver must contain: ☐ Narrative description of the stream; ☐ Analysis of the proposed impacts to the waterbody; ☐ Measures taken to avoid and minimize losses to waters of the U.S. ☐ Compensatory mitigation plan describing how the unavoidable losses are proposed to be offset.	See Box 7
☐	10. **Compensatory Mitigation:** Permittee must complete the construction of compensatory mitigation before or concurrent with construction of authorized activity and submit proof of purchase of mitigation bank or in-lieu fee program credits prior to commencement of construction of the authorized activity	

*Loss of waters of the U.S.: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the acres or linear feet of stream bed that is filled or excavated as a result of the regulated activity. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to preconstruction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.